



## FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER  
4755 SW GRIFFITH DRIVE  
BEAVERTON, OR 97005

REGULAR MEETING  
JUNE 12, 2006  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Flag Day: June 14, 2006

PRESENTATIONS:

- 06094 Metro Participation in Purchase of Westgate Theater
- 06095 Presentation of Shields and Swearing In of Seven Officers to the Beaverton Police Department

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

- 06096 Liquor Licenses: New Outlet - Sambi
- 06097 Approve Application and Adopt Resolution of Support for Metro Metropolitan Transportation Improvement Program Project Proposals (Resolution No. 3860)
- 06098 Compensation Changes
- 06099 Authorize Intergovernmental Agreement with Metro to Collect and Remit the Metro Construction Excise Tax and Retain an Administrative Fee
- 06100 Development Services Fee Schedule Amendment (Resolution No. 3861)

06101 A Resolution Approving Transfer of Appropriation Within the Building Fund to Provide Contracted Plan Review Services (Resolution No. 3862)

06102 Authorize Intergovernmental Agreement with Washington County Cooperative Library Services Regarding the Provision of Telephone Reference Service

Contract Review Board:

06103 Contract Renewal Between Unlimited Choices, Inc., and the City of Beaverton for the Adapt-a-Home Program

06104 Contract Renewal for Intergovernmental Agreement Between the Portland Development Commission (PDC) and the City of Beaverton for the Management of the Citywide Housing Rehabilitation Program

PUBLIC HEARINGS:

06105 Appeal of TA 2004-0012 (TC-MU Commercial Use Restriction Amendment)

06106 Public Hearing on Biggi Investment Partnership Measure 37 Claim (Continued from May 15, 2006 Meeting)

06107 Capital Improvements Plan for Fiscal Years 2006/07 through 2009/10 for Transportation, Water, Sewer and Storm Drain Projects

ORDINANCES:

Second Reading:

06093 An Ordinance Relating to the Building Code Amending Beaverton Code Section 8.02.015(a) (Ordinance No. 4393)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

# ***PROCLAMATION***

## ***OFFICE OF THE MAYOR***

### ***CITY OF BEAVERTON***

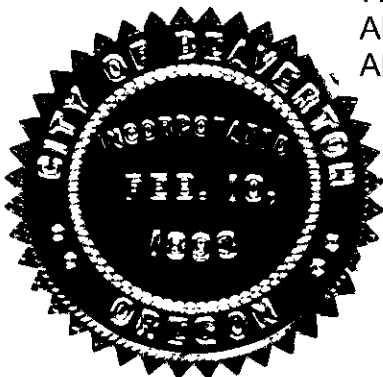



- WHEREAS,** by Act of Congress of the United States dated June 14, 1777; the first official Flag of the United States was adopted; and
- WHEREAS,** by Act of Congress dated August 3, 1949, June 14<sup>th</sup> of each year was designated "National Flag Day"; and
- WHEREAS,** the Congress has requested the President to issue annually a proclamation designating the week in which June 14<sup>th</sup> occurs as "National Flag Week"; and
- WHEREAS,** on December 8, 1982, the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to Pause for the Pledge of Allegiance on Flag Day, June 14<sup>th</sup>; and
- WHEREAS,** by Act of Congress, dated June 20, 1985, Public Law 99-54 was passed to have the Pause for the Pledge of Allegiance as part of the celebration of National Flag Day throughout the nation; and
- WHEREAS,** Flag Day celebrates our nation's symbol of unity, a democracy in a republic, and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all;

**NOW, THEREFORE,** I, ROB DRAKE, MAYOR, of the City of Beaverton, do hereby proclaim June 14, 2006, as:

## ***FLAG DAY***

in the City of Beaverton and urge all citizens to pause wherever they are at 7:00 p.m. EDT on this date for the annual PAUSE FOR THE PLEDGE OF ALLEGIANCE to the Flag and join all Americans in reciting the Pledge of Allegiance to our Flag and Nation.




  
Rob Drake  
Mayor

**AGENDA BILL**  
**Beaverton City Council**  
**Beaverton, Oregon**

**SUBJECT:** Metro Participation in Purchase of Westgate Theater

**FOR AGENDA OF:** 06/12/06 **BILL NO:** 06094

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office 

**DATE SUBMITTED:** 06/01/06

**PROCEEDING:** Presentation

**EXHIBITS:** None

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

**HISTORICAL PERSPECTIVE:**

On November 7, 2005, Council gave authorization to fund escrow for the purchase of the Westgate Theater site and adopted a Specific Purpose Grant Budget Adjustment and Transfer Resolution that provided the \$4,900,000 appropriation for the purchase.

On December 12, 2005, Council authorized the Mayor to enter into an intergovernmental agreement with Metro for development of the Westgate property.

**INFORMATION FOR CONSIDERATION:**

Metro Councilor Carl Hosticka will present the City with a check for \$2,000,000 – Metro's share of the purchase price for the Westgate Theater property. Metro's portion of the purchase was received through grant funding from the Metropolitan Transportation Improvement Program; these grant funds were released to Metro in May, 2006.

**RECOMMENDED ACTION:**

Listen to the presentation.

## **AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Presentation of Shields and Swearing In of  
Seven Officers to the Beaverton Police  
Department

**FOR AGENDA OF:** 06/12/06 **BILL NO:** 06095

**MAYOR'S APPROVAL:**

**DEPARTMENT OF ORIGIN:**

Police

**DATE SUBMITTED:**

06/01/06

**PRESENTATION:** Presentation

**EXHIBITS:**

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

### **HISTORICAL PERSPECTIVE:**

The Beaverton Police Department is in the process of filling seven officer positions that are vacant as a result of attrition. As part of the hiring process, these individuals are sworn in before the City Council during a brief ceremony.

### **INFORMATION FOR CONSIDERATION:**

The department is pleased to swear in Derek Bell, Justin Haugen, Benjamin Howard, Rob Jolie, Jered Lutu, Frank Pohle, and Marcus Stanton.

### **RECOMMENDED ACTION:**

City Council offer their support to the new officers through a presentation made during the City Council meeting.

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** LIQUOR LICENSES

**FOR AGENDA OF:** 06/12/06 **BILL NO:** 06096

**NEW OUTLET**

Sambi  
9230 SW Beaverton-Hillsdale Highway  
Beaverton, OR

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police

**DATE SUBMITTED:** 05/30/06

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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**HISTORICAL PERSPECTIVE:**

Background investigations have been completed and the Chief of Police finds that the applicants have met the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license applications.

**INFORMATION FOR CONSIDERATION:**

Sambi, LLC. is opening a new establishment and has made application for a Limited On-Premises Sales License under the trade name of Sambi. The establishment will serve Japanese food. It will operate Monday through Saturday, from 11:00 a.m. to 9:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales license allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

**RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license applications.

## AGENDA BILL

### **Beaverton City Council Beaverton, Oregon**

**SUBJECT:** Approve Application and Adopt Resolution  
of Support for Metro Metropolitan  
Transportation Improvement Program  
Project Proposals

**FOR AGENDA OF:** 06-12-06 **BILL NO:** 06097

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 06-06-06

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent

**EXHIBITS:** Resolution

#### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

#### **HISTORICAL PERSPECTIVE:**

Metro is soliciting applications for funding under its Metropolitan Transportation Improvement Program (MTIP). Nominated projects must contribute toward implementation of Metro's land use plan and the corresponding Regional Transportation Plan. Successful projects will be included in the MTIP, which is submitted to the State for funding through the State Transportation Improvement Program (STIP). Funding is available for years 2010-2011 from the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Federal funds require local matches.

Metro Council adopted criteria for choosing projects for this MTIP that strengthens the efforts to link transportation expenditures to implementing Metro's priority land uses: Regional and Town Centers and industrial areas. Only projects within or near Regional Centers and Town Centers are eligible for an 89.73 percent federal share. Other projects require a larger local match.

#### **INFORMATION FOR CONSIDERATION:**

In responding to the refined criteria of this MTIP process, it is important to consider projects that will rank highly under the selection criteria established by Metro. After comparing potential projects with the selection criteria, staff identified the following projects that rank highly, were supported by the City in previous application cycles, and received MTIP funding for the Preliminary Engineering phase.

- ORE 10 Farmington Road: Murray Boulevard to Hocken Avenue Phase 1: pedestrian, bicycle, safety, and intersection improvements at Murray Boulevard Right of Way and Construction: federal request: \$4,284,000 (2010 dollars); minimum City match at 10.27 percent is \$490,000. [Note that Phase I includes the intersection of Farmington Road and Murray Boulevard plus the intersection approaches.]
- Rose Biggi Avenue: Crescent Street to Hall Boulevard "Boulevard" Design Project. Right of Way and Construction: federal request: \$5,387,000 (2010 dollars); minimum City match at 10.27 percent is \$617,000.

Metro set a dollar cap for each county so that the total projects submitted would not exceed 200 percent of anticipated Federal funds, meaning that roughly half of the applications will ultimately receive approval for funding. The application cap for the jurisdictions of Washington County was set at \$27.3 million. To comply with the Metro cap, proposed applications from the various jurisdictions in Washington County were coordinated through the Washington County Coordinating Committee (WCCC). The projects above were submitted to WCCC for approval as a submittal for the Washington County jurisdictions. To stay within the cap, Beaverton's applications are limited to right of way only for Rose Biggi Avenue. The Farmington Road application includes both right of way and construction.

Applications are due to Metro on June 30, 2006, with a resolution of support. Should the application be successful, City funds will be included in the 2009/2010 or subsequent year budgets for Council consideration. Successful projects will be funded through a combination of the City's Traffic Impact Fee Fund, Street Fund, and other City resources that may be available at the time. For details about Metro's MTIP project selection, go to: <http://www.metro-region.org/article.cfm?articleid=3814>

**RECOMMENDED ACTION:**

1. Council approve the applications for Metro's Metropolitan Transportation Improvement Program and direct staff to submit the applications to Metro.
2. Council adopt the resolution informing Metro that the proposed projects have strong support from the City Council.



**RESOLUTION NO. 3860**

**A RESOLUTION SUPPORTING CITY OF  
BEAVERTON APPLICATION FOR METRO'S  
MTIP/STIP UPDATE**

**WHEREAS**, Metro is updating its Metropolitan Transportation Improvement Program (MTIP), which is submitted to the Oregon Transportation Commission for funding through the State Transportation Improvement Program (STIP); and

**WHEREAS**, Metro has solicited applications for \$45.4 million of regional flexible funds for new projects through its *Transportation Priorities 2008-2011* process; and

**WHEREAS**, the City of Beaverton's adopted Comprehensive Plan Transportation Element provided recommended projects to improve the City's multi-modal transportation system; and

**WHEREAS**, after comparing the City's recommended projects from the Transportation Element and Metro's project criteria under the MTIP program, City staff identified the following potential projects that continue to respond to the funding criteria, were previously supported by the City, and were funded for Preliminary Engineering through a previous MTIP:

- Rose Biggi Avenue: Crescent Street to Hall Boulevard "Boulevard" Design Project. Right of Way and Construction: federal request: \$5,387,000 (2010 dollars); minimum City match at 10.27 percent is \$617,000.
- ORE 10 Farmington Road: Murray Boulevard to Hocken Avenue Phase 1: pedestrian, bicycle, safety, and intersection improvements at Murray Boulevard Right of Way and Construction: federal request: \$4,284,000 (2010 dollars); minimum City match at 10.27 percent is \$490,000.

**WHEREAS**, City staff prepared the above named project applications for submission to Metro; and

**WHEREAS**, Metro requests a resolution of endorsement for proposed projects from the governing body of all agencies sponsoring candidate projects; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAVERTON, OREGON:**

The Council hereby strongly supports the City of Beaverton's *Transportation Priorities 2008-2011* project applications for potential funding through the MTIP/STIP process and directs staff to submit them to Metro by June 30, 2006, for potential funding through the MTIP/STIP process.

ADOPTED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

SUE NELSON, CITY RECORDER


ROB DRAKE, MAYOR

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Compensation Changes

**FOR AGENDA OF:** 06-12-06 **BILL NO:** 06098

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** HR 

**DATE SUBMITTED:**

**CLEARANCES:** Finance   
Community  
Development 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Exhibit I -- Market Factor Analysis Policy  
Exhibit II -- Market Factor Analysis Data  
Exhibit III -- Web Analyst Market Data  
Exhibit IV -- Web Manager Market Data  
Exhibit V -- Public Works Director Market Data  
Exhibit VI -- Senior Field Inspector Market Data  
Exhibit VII -- Senior Plans Examiner Market Data

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$432,986	BUDGETED \$355,824*	REQUIRED \$ 77,162

### **HISTORICAL PERSPECTIVE:**

#### Management Fiscal Increase

Historically, Council has approved a fiscal increase for management employees that equaled the adjustment given to employees in the bargaining unit which represents the general employee unit (i.e., in 2006, Service Employees International Union/Oregon Public Employees Union (SEIU/OPEU).

#### Market Factors

The City's compensation philosophy is to maintain a payline that places most classifications between the 50<sup>th</sup> and 75<sup>th</sup> percentiles in the labor market. The labor market is defined as the City's established comparables plus other public sector organizations along the I-5 corridor in the greater Portland/Vancouver area.

In 2000, Council approved a Market Factor Analysis Policy and market factors for the following classifications: Plans Examiner I, Plans Examiner II, Building Inspector, Electrical Inspector, Plumbing Inspector, Electrical Inspector Lead and Plumbing Inspector Lead. Per SEIU/OPEU contract and the market factor policy, staff is required to review market data for these classifications annually to determine whether the market factor remains applicable. In 2003, Council approved including the GIS Specialist, Computer Service Technician and Computer Service Technician Lead in the list of classifications eligible for market factor consideration.

### New Classifications

In the budget process, the Mayor's Office requested the creation of a new Web Analyst classification to meet internal operations requirements and external customer service needs.

The decision to merge Engineering with the Operations Department, creating a new group called Public Works, will facilitate a seamless and efficient working relationship between the two business entities. The functions of construction services, engineering services, general maintenance activities and the water resources/wastewater management and services will be under one umbrella. The titles of Engineering Director and Operations and Maintenance Director will be retired and replaced with the title Public Works Director.

### INFORMATION FOR CONSIDERATION:

#### Management Fiscal Increase

The SEIU/OPEU contract stipulates that employees in that bargaining unit will receive an adjustment equal to the January 2006 US CPI-W with a minimum of 2% and a maximum of 3%. For fiscal year 2006-7, the fiscal increase for SEIU/OPEU represented employees will be 3%. The estimated cost to provide a 3% fiscal increase to management employees for fiscal year 2006-07 is approximately \$342,450 including salaries and fringes. This amount was included in the fiscal year 2006-07 budget.

#### Fiscal Year 2004-05 Market Factors

Staff reviewed the market data for eligible classifications and found that the current market factors are currently low for most of the classifications. The GIS Specialist was the only classification where the current market factor is still appropriate. Market data indicates that the Computer Service Technician market factor adjustment is no longer appropriate and requires an increase. Since the policy stipulates that we will maintain a 7.5% differential between leads/supervisors and their staff, the Computer Service Technician Lead is also eligible to receive an increase in order to maintain that differential.

The estimated cost of increasing the market factors for these two classifications in fiscal year 2006-07 including salaries and fringe benefits is \$1,346.

The Electrical Inspector, Plumbing Inspector, Building Inspector, Plans Examiner 1, and Plans Examiner 2 classifications also fall below either the market average or the 50<sup>th</sup> percentile and require an adjustment to the market factor rate.

The competition for skilled Inspectors and Plans Examiners is currently very high. Many organizations have recently increased or are currently reviewing their compensation for these positions. As a result, the City risks losing good employees even if we increase their compensation to the 50<sup>th</sup> percentile per the market factor policy. Staff proposes raising the Inspector and Plans Examiner compensation closer to the 75<sup>th</sup> percentile by reallocating each classification's salary grade up one level. The Plans Examiner 1 will be reallocated from 0801 to 09. The Plans Examiner 2 will be reallocated from 1002 to grade 11. The Building Inspector would move from a grade 0901 to a grade 10 and the Plumbing and Electrical Inspectors would move from a grade 0902 to a grade 10. Finally, the Lead Plumbing and Electrical Inspectors would move from a grade 1001 to a grade 11. This results in pay closer to the 75<sup>th</sup> percentile as well as eliminate yearly market factor adjustments.

The estimated cost of reallocating the salary range for these classifications in fiscal year 2006-07 including salaries and fringe benefits is \$48,657.

While looking at the Inspector and Plans Examiner classifications, Human Resources staff also took the opportunity to examine the market data for the Senior Plans Examiner and the Senior Field Inspector. Market data shows that the City has fallen below the 50<sup>th</sup> percentile for these two classifications as well. For this reason, Human Resources staff recommend that these two classifications be reallocated to salary grade 13. The cost for this reallocation including salaries and fringe benefits totals \$14,060.

### New classifications

The Mayor's Office requested the creation of a new classification in the budget to assist in the development and maintenance of the City's internal and external websites. Since 2000 web services have increased from one website and one web server to seven websites and associated servers and the City projects this number to grow to 20 websites by 2009. Human Resources staff conducted a market study and internal point factor evaluation for the new classification titled Web Analyst. The results of that evaluation place the classification in salary range 11. Furthermore, as the duties of the Web Manager have increased with the additional websites, the new position will also add a supervisory element to the classification. The internal point factor system and market data justify a reallocation from salary grade 12 to salary grade 13.

The new Web Analyst position was budgeted in the 06-07 budget as a salary grade 10. The increase in cost to raise it to a salary grade 11, including salaries and fringe benefits, is \$6,069. The salary and fringe benefit cost for the Web Manager upgrade is \$7,030.

The Mayor requested the creation of the new Public Works Director classification. Human Resources staff conducted a market study for the new classification titled Public Works Director. Based on the analysis of the position, the City recommends this classification be placed in salary range 24. The salary and fringe benefit cost for the Public Works Director classification is \$13,374, however, this increase is offset by the elimination of the Engineering Director classification.

### **RECOMMENDED ACTION:**

Council approve the following, effective July 1, 2006:

1. The 3% fiscal adjustment for management employees;
2. Continue market factor ranges including the 3% fiscal year adjustment for the GIS Specialist classifications;
3. Reallocate the salary grade for the classifications as listed below. All dollar amounts are prior to the 3% fiscal adjustment.
  - ❖ Plans Examiner 1 to salary grade 9 with a top step of \$26.23;
  - ❖ Building Inspector to salary grade 10 with a top step of \$28.20;
  - ❖ Plumbing Inspector to salary grade 10 with a top step of \$28.20;
  - ❖ Electrical Inspector to salary grade 10 with a top step of \$28.20;
  - ❖ Plans Examiner 2 to salary grade 11 with a top step of \$30.35;
  - ❖ Plumbing Inspector Lead to salary grade 11 with a top step of \$30.35;
  - ❖ Electrical Inspector Lead to salary grade 11 with a top step of \$30.35;
4. Revise market factors and adjustments as listed below. All dollar amounts are prior to the 3% fiscal adjustment.
  - ❖ Computer Service Technician to bring the salary range to a maximum step of \$25.56;
  - ❖ Computer Service Technician Lead to bring the salary range to a maximum step of \$27.49;
5. Establish the exempt Web Analyst classification at salary range 11;
6. Reallocate the Web Manager classification from a salary grade 12 to salary grade 13;
7. Establish the exempt Public Works Director classification at salary grade 24;
8. Reallocate the Senior Plans Examiner and the Senior Field Inspector classifications from salary grade 12 to 13; and
9. Council authorize the Finance Director to include the appropriation for the costs of the actions in item numbers 3, 4, 5, 6, 7, and 8 in the first supplemental budget for fiscal year 2006-07.

**CITY of BEAVERTON**  
**MARKET FACTOR ANALYSIS POLICY**  
*Approved by Council June, 2000*

***Introduction***

In 1998, the City of Beaverton implemented the results of a compensation and classification study that established both internal equity between classifications and external equity with our labor market. The payline that the City implemented placed most classifications between the 50<sup>th</sup> and 75<sup>th</sup> percentile in the market. That is, in general, the City would pay between the 50<sup>th</sup> and 75<sup>th</sup> percentile for similar types of classifications. The labor market was defined as the City's established comparables plus other public sector organizations along the I-5 corridor in the greater Portland/Vancouver area.

In order to ensure that City compensation remains competitive, Human Resources conducts compensation surveys every two or three years to maintain our position vis a vis market rates for our classifications. The Human Resources Department conducted a compensation and benefits survey in February 2000. The results of that study indicate that most positions continue to be between the 50<sup>th</sup> and 75<sup>th</sup> percentile.

Some classifications fall below the market average rate of pay and/or the 50<sup>th</sup> percentile using the payline approach adopted by the City. This can be the result of a variety of factors. First, each organizations has pay practices in which they establish internal equity or salary administration practices. Second, some jurisdictions pay certification pay for classifications that require certifications or licenses. This, in effect, raises the level of total compensation for these classifications. Because of these two factors, the City is paying below the market average and/or 50<sup>th</sup> percentile for some classifications. This creates a problem with recruiting and retention. Additionally, it creates a perception among employees that the City is not willing to pay market rates for the knowledge and experience required for the classification.

***Recommendation***

To alleviate this problem staff recommends the City establish a market factor program. This would involve an adjustment to classifications that fall below the market average. Additionally, if the increase to the average market rate did not bring the City's rate for a classification to the 50<sup>th</sup> percentile, the City's rate would be adjusted to the 50<sup>th</sup> percentile.

Once the rate for a classification has been adjusted, the Human Resources Department would review the rate of the subject classification in relation to the rates of its lead/supervisor to ensure an appropriate differential between the classifications is maintained.

Human Resources would conduct an annual compensation study for these classifications to verify that the market adjustments continued to be necessary and were at the appropriate rate vis a vis the market.

## ***Procedure for Market Factor Analysis***

### **Requests for Market Factor Adjustments**

- Request for analysis can come from employees with Department Head approval.
- Human Resources can determine that analysis is appropriate due to factors such as difficulty in recruiting, etc.

### **Data Collection**

- There must be at least seven organizations that have a good match as determined by Human Resources. (Factors considered to determine the appropriateness of a match include the similarity of duties, size/scope and organization structure.)
- At least five of these organizations should be on the original list of COB's comparables. All organizations on the list must be on the list used by the City to determine the payline. (See attached list.)

### **Data Analysis**

- When certification pay is paid by an organization participating in the compensation study, the City will determine whether that additional pay should be included in the market factor analysis. If included, only certification adjustments that reflect COB requirements will be considered. Certifications or licenses held by individual employees will not be used to determine market factors.
- If the COB maximum for a classification is below the average of the market, a market factor that places the classification maximum at the average market maximum will be recommended. If the market average is less than the 50<sup>th</sup> percentile, the market factor will be adjusted to the 50<sup>th</sup> percentile.
- If a market factor is recommended for a classification, Human Resources will also review the impact of the market factor on the classification's leadworker and/or supervisor. The City will maintain the current differential or a 7.5% differential, whichever is less, between a classification and its leadworker. The City will maintain the current differential or a 10.0% differential, whichever is less, between a classification and its supervisor.

### **Recommendations and Approval**

- Human Resources will review the market factor recommendation with the Department Heads whose classifications are impacted.
- Human Resources will take the market factor recommendation to the Mayor for his approval.
- With the Mayor's approval, Human Resources will take the recommendation to Council for approval and the authority to negotiate the market factor with the appropriate bargaining group if applicable.

***Comparables Used to Develop Market Factor***

City of Albany  
Clackamas County\*  
Clark County \*  
City of Corvallis  
City of Eugene  
City of Gresham  
City of Hillsboro  
City of Lake Oswego  
City of Medford  
Multnomah County\*  
City of Portland\*  
City of Salem  
City of Springfield  
City of Tigard  
City of Tualatin\*  
City of Vancouver\*  
Washington County  
State of Oregon\*

Metro\*  
Port of Portland\*  
Tri-Met\*  
Tualatin Hills Parks and Recreation District\*  
Tualatin Valley Fire District\*  
Tualatin Valley Water District\*  
Unified Sewerage Agency\*

\* These jurisdictions are not part of the original list of comparables.

Building Inspector  
5/12/06

Exhibit II

<b>Jurisdiction</b>	<b>Job Title</b>	<b>Reports To</b>	<b>Adjusted Wages</b>
City of Springfield	Building Inspector II	Community Services Supervisor	\$20.43
City of Corvallis	Building Inspector II	Inspection Services Manager	\$20.86
Clark County	Building Inspector	Chief Building Official	\$22.85
State of Oregon	Structural/Mechanical Inspector	PEM	\$23.91
City of Salem	Commercial Structural Inspector 2	Unknown	\$25.79
City of Eugene	Structural/Mechanical Inspector	Building Inspection Supervisor	\$26.87
City of Vancouver	Building Inspector III	Inspection Supervisor	\$27.19
City of Tigard	Inspector II	Inspection Supervisor	\$27.21
Washington County	Inspector II	Building Services Supervisor	\$27.24
City of Gresham	Community Code Inspector II	Community Code Inspector Supervisor	\$27.93
City of Lake Oswego	Inspector III	Building Official	\$28.43
City of Tualatin	Building Inspector 2	Building Official	\$29.67
Clackamas County	Structural/Mechanical Inspector A	Building Codes Manager	\$30.36
City of Bend	Building Inspector 3		\$30.42
City of Portland	Building Inspector II	Building Inspection Manager	\$30.52
City of Hillsboro	Inspector I	Chief Building Inspector	\$30.86
City of Albany	Building Inspector	Building Official Manager	\$38.33
			75th Percentile \$30.36
			50th percentile \$27.24
			Average \$27.58
City of Beaverton	Building Inspector @ Grade 0901	Senior Field Inspector - Buildings	\$27.22
	Required Market Factor Adjustment		\$27.58
	Salary Grade 10		\$28.20



Computer Services Technician  
5/12/06

Exhibit II

<b>Jurisdiction</b>	<b>Job Title</b>	<b>Reports To</b>	<b>Adjusted Wages</b>
City of Albany	IS Technician	Unknown	\$20.29
Washington County	Help Desk Technician	Varies	\$21.28
City of Bend	IT Technician Ii	IT Information System Manager	\$21.88
Multnomah County	Desktop Support Specialist		\$23.52
City of Eugene	PC/Network Support Technician	Systems Programmer 2	\$23.54
City of Hillsboro	Computer Support Specialist	Computer Support Supervisor	\$25.44
City of Salem			\$25.56
City of Tigard	Network Technician	Network Services Director	\$25.86
City of Gresham	Technical Support Specialist	IT Manager or Systems Administrator	\$26.52
City of Vancouver	Computer Support Technician (IT Tech, B)	Management Analyst in IT	\$26.56
Clackamas County	Microcomputer Specialist 2	Computer Services Supervisor	\$27.67
Clark County	Technical Support Specialist 3	Director Information Technology	\$28.38
City of Portland	IS Tech II	IS Supervisor	\$29.29
			75th Percentile \$26.56
			50th percentile \$25.56
			Average \$25.06
City of Beaverton	Computer Service Technician	Supervising Communications Analyst	\$25.45
	Required Market Factor Adjustment		\$25.56

<b>Jurisdiction</b>	<b>Job Title</b>	<b>Reports To</b>	<b>Adjusted Wages</b>
City of Springfield	Building Inspector II (Electrical)	Building Safety Supervisor	\$20.43
State of Oregon	Electrical Inspector	Principal Executive Manager D	\$25.10
Clark County	Combination Building Inspector	Chief Building Official	\$25.91
City of Vancouver	Building Inspector III	Inspection Supervisor	\$27.19
City of Tigard	Inspector II	Inspection Supervisor	\$27.21
Washington County	Inspector II	Building Services Supervisor	\$27.24
City of Salem	Commercial Electrical Inspector	Building Safety Supervisor	\$27.97
		Electrical/Plumbing Inspector	
City of Eugene	Electrical Inspector	Supervisor	\$28.08
City of Lake Oswego	Inspector III	Building Official	\$28.43
Clackamas County	Electrical Inspector	Building Codes Manager	\$30.36
City of Portland	Electrical Inspector	Inspection Supervisor	\$30.52
City of Albany	Building Inspector	Unknown	\$23.80
City of Hillsboro	Inspector I	Chief Building Inspector	\$30.86
		Community Code Inspector	
City of Gresham	Community Code Inspector II	Supervisor	\$27.93
City of Medford	Electrical Inspector	Building Safety Supervisor	
City of Bend	Building Inspector 3		\$30.42
			75th Percentile \$29.40
			50th percentile \$27.93
			Average \$27.43
City of Beaverton	Electrical Inspector @ Grade 0902	Senior Field Inspector - Buildings	\$27.35
	Required Market Factor Adjustment		\$27.93
	Salary Grade 10		\$28.20

<b>Jurisdiction</b>	<b>Job Title</b>	<b>Reports To</b>	<b>Adjusted Wages</b>
City of Albany	Building Inspector	Building Official Manager	\$20.84
State of Oregon	Plans Examiner 1		\$21.77
Washington County	Plans Examiner I	Building Services Supervisor	\$23.48
City of Eugene	Residential Plans Reviewer	Plans Review Supervisor	\$23.54
City of Salem	Residential Plans Examiner	Building Safety Supervisor	\$23.76
City of Vancouver	Plans Examiner	Building Official	\$24.61
City of Bend		Building Inspector/PE 1	\$25.03
City of Portland	Plans Examiner, Residential	Plans Review Supervisor	\$26.27
City of Lake Oswego	Plans Examiner I	Building Official	\$26.51
City of Tigard	Plans Examiner	Building Official Manager	\$26.52
City of Gresham	Plans Examiner I	Community Code Inspector Supervisor	\$26.52
City of Hillsboro		Plans Examiner 1	\$31.59
Clackamas County	Plans Examiner B	Building Codes Manager	\$31.81
			75th Percentile \$26.52
			50th percentile \$25.03
			Average \$25.56
City of Beaverton	Plans Examiner 1 @ Grade 0801	Senior Plans Examiner	\$25.30
	Required Market Factor Adjustment		\$25.56
	Salary Grade 9		\$26.23

Plans Examiner 2  
5/12/06

Exhibit II

<b>Jurisdiction</b>	<b>Job Title</b>	<b>Reports To</b>	<b>Adjusted Wages</b>
City of Albany	Building Inspector	Building Official Manager	\$23.38
State of Oregon	Plans Examiner 2	PEM	\$25.10
City of Vancouver	Plans Examiner	Building Official	\$26.83
Washington County	Plans Examiner II	Building Services Supervisor	\$27.24
City of Salem	Plans Examiner II	Building Safety Supervisor	\$27.97
City of Lake Oswego	Plans Examiner II	Building Official	\$29.28
		Community Code Inspector	
City of Gresham	Plans Examiner II	Supervisor	\$29.41
City of Tigard	Senior Plans Examiner	Building Official	\$30.10
City of Bend	Building Inspector 3		\$30.42
City of Eugene	Code Analyst	Plan Review Supervisor	\$30.51
Clackamas County	Plans Examiner A	Building Codes Manager	\$31.81
City of Portland	Plans Examiner, Commercial	Plans Review Supervisor	\$31.96
City of Hillsboro	Plans Examiner II	Assistant Building Director	\$33.17
			75th Percentile \$30.51
			50th percentile \$29.41
			Average \$29.01
City of Beaverton	Plans Examiner 2 @ Grade 1002	Senior Plans Examiner	\$28.66
	Required Market Factor Adjustment		\$29.41
	Salary Grade 11		\$30.35

Plumbing Inspector  
5/12/06

Exhibit II

<b>Jurisdiction</b>	<b>Job Title</b>	<b>Reports To</b>	<b>Adjusted Wages</b>
City of Springfield	Building Inspector II (Plumbing)	Building Safety Supervisor	\$20.43
City of Albany	Building Inspector	Unknown	\$21.69
State of Oregon	Plumbing Inspector	Principal Executive Manager D	\$25.10
Clark County	Plumbing Inspector	Combination Inspector, Lead	\$25.91
City of Tigard	Inspector II	Inspection Supervisor	\$27.21
Washington County	Inspector II	Building Services Supervisor	\$27.24
City of Gresham	Community Code Inspector II	Community Code Inspector Supervisor	\$27.93
City of Salem	Commercial Plumbing Inspector	Building Safety Supervisor	\$27.97
City of Eugene	Plumbing Inspector	Electrical Plumbing Inspection Supervisor	\$28.08
City of Lake Oswego	Inspector III	Building Official	\$28.43
Clackamas County	Plumbing Inspector	Building Codes Manager	\$30.36
City of Bend	Building Inspector 3		\$30.42
City of Portland	Plumbing Inspector	Inspection Supervisor	\$30.52
City of Hillsboro	Inspector I	Chief Building Inspector	\$30.86
			75th Percentile \$29.88
			50th percentile \$27.95
			Average \$27.30
City of Beaverton	Plumbing Inspector @ Grade 0902 Senior Field Inspector - Buildings		\$27.35
	Required Market Factor Adjustment		\$27.95
	Salary Grade 10		\$28.20

**Web Analyst**

5/12/06

<b>Jurisdiction</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>	<b>Comments</b>
Washington County	Web Specialist	\$ 3,433	\$ 4,172	Adjusted for PERS
Vancouver	Web Content Manager	\$ 3,504	\$ 4,480	Adjusted for Retirement
Albany	Graphics Specialist	\$ 3,747	\$ 4,622	
Clackamas County	IS Software Specialist 2	\$ 4,034	\$ 5,116	Adjusted from 37.5 work week
Eugene	Systems Programmer 1	\$ 4,243	\$ 5,288	
THP&R	Web Specialist	\$ 4,174	\$ 5,318	
Salem	Web Architect	\$ 4,608	\$ 5,342	
	<b>Average</b>	\$ 3,963	\$ 4,905	
	<b>50th Percentile</b>	\$ 4,034	\$ 5,116	
	<b>75th Percentile</b>	\$ 4,209	\$ 5,303	
Portland Area Cross Industry Survey Average		\$ 3,739	\$ 5,350	
	<b>Beaverton</b>			
	<b>Grade 10</b>	3647.00	4888	
	<b>Grade 11</b>	3926.00	5261	

**No Match**

Clean Water Services  
 Corvallis  
 Gresham  
 Hillsboro  
 Medford  
 Portland  
 Springfield  
 Tigard  
 TriMet  
 Tualatin  
 Clark County  
 Lake Oswego  
 Metro  
 Multnomah County  
 Port of Portland  
 State of Oregon  
 TVWD

**Web Manager**  
5/12/06

Exhibit IV

<b>Jurisdiction</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>	<b>Comments</b>
Washington County	Web Systems Admin.	\$ 4,184	\$ 5,084	Adjusted for PERS
Metro	Web Master	\$ 4,061	\$ 5,427	
Clackamas County	IS Software Specialist Sr	\$ 4,363	\$ 5,523	Adjusted from 37.5 work week
Portland	Info Systems Analyst 2	\$ 4,200	\$ 5,597	
Tigard	Web Administrator	\$ 4,266	\$ 5,714	
Eugene	Systems Programmer 2	\$ 4,633	\$ 5,772	
Salem	Info Systems Spec 5	\$ 4,885	\$ 5,876	
Hillsboro	Web Master	\$ 4,612	\$ 5,886	
Gresham	Web Administrator	\$ 4,652	\$ 5,942	
Marion County	Systems Administrator	\$ 4,817	\$ 6,458	
Clark County	I.T. Manager 1	\$ 5,071	\$ 6,641	Adjusted for retirement, Does not include merit pay
	<b>Average</b>	\$ 4,522	\$ 5,811	
	<b>50th Percentile</b>	\$ 4,612	\$ 5,772	
	<b>75th Percentile</b>	\$ 4,735	\$ 5,914	
Portland Area Cross Industry Survey Average		\$ 4,914	\$ 7,004	
Oregon Public Sector Salary Survey		\$ 4,980	\$ 6,349	
	<b>Beaverton</b>			
	<b>Current Grade 12</b>	\$ 4,229	\$ 5,668	
	<b>Recommended Grade 13</b>	\$ 4,550	\$ 6,098	

**No Match**

Clean Water Services  
Corvallis  
Medford  
Springfield  
Tualatin  
Albany  
THP&R  
Lake Oswego  
Multnomah County  
Port of Portland  
State of Oregon  
TVWD  
Vancouver

**Market Data -- Public Works Director**

04/18/2006

<b>Jurisdiction</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>	<b>Adj.</b>	<b>Comments</b>
Springfield	Public Works Director	40.94	49.76	49.76	Adjusted for PERS
Hillsboro	Public Works Director	28.20	48.75	48.75	Non-PERS Rate
Corvallis	Public Works Director	38.21	51.69	50.76	Adjusted for PERS, \$175 Car and 2% Deferred Comp
Albany	Public Works Director	39.30	49.13	50.85	3.5% in 401 plan
Salem	Public Works Director	42.91	54.38	54.38	
Gresham	Environmental Svcs Dir	43.09	56.04	56.04	
Vancouver	PW Dir	50.96	59.61	56.24	Adjusted for retirement
Eugene	Exec Dir PW	45.42	56.94	56.94	
Clark County	Dir Public Works	41.83	54.78	56.98	Bonus pay eligible and adjusted for retirement

<b>Average</b>	41.21	53.45	53.41
<b>50th Percentile</b>	41.83	54.38	54.38
<b>75th Percentile</b>	43.09	56.04	56.24

<b>Beaverton</b>			
Current Grade 22	38.44	51.51	51.51
Grade 23	41.59	55.73	55.73
Grade 24	41.97	56.24	56.24

**No Match**

Portland  
 Tigard  
 Multnomah County  
 Lake Oswego  
 Clackamas County  
 Tualatin  
 Washington County



**Market Data -- Senior Field Inspector**

06/02/2006

<b>Jurisdiction</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>
Eugene	Building Inspection Supervisor	\$ 4,435	\$ 5,524
Salem	Building and Safety Supervisor	\$ 4,352	\$ 5,533
Vancouver	Inspection Supervisor	\$ 4,415	\$ 5,645
Tigard	Inspection Supervisor	\$ 4,266	\$ 5,714
Hillsboro	Chief Building Inspector	\$ 4,612	\$ 5,887
Gresham	Community Code Inspection Supervisor	\$ 4,623	\$ 6,008
Washington County	Building Services Supervisor	\$ 5,017	\$ 6,097
Clackamas County	Structural Mechanical Supervisor	\$ 4,765	\$ 6,432
Portland	Inspection Supervisor	\$ 5,489	\$ 7,315
	<b>Average</b>		\$ 6,017
	<b>50th Percentile</b>		\$ 5,887
	<b>75th Percentile</b>		\$ 6,097
	<b>Beaverton - Current Grade 12</b>		\$ 5,668
	<b>Recommended Grade 13</b>		\$ 6,098

**No Match**

Tualatin  
 Lake Oswego  
 Clark County  
 Springfield  
 THP&R  
 TVWD  
 Metro  
 Multnomah County  
 Port of Portland  
 TriMet  
 Clean Water Services  
 Albany  
 Medford  
 Corvallis

**Market Data -- Senior Plans Examiner**  
**06/02/2006**

Exhibit VII

<b>Jurisdiction</b>	<b>Title</b>	<b>Min</b>	<b>Max</b>
Salem	Building and Safety Supervisor	\$ 4,352	\$ 5,533
Tigard	Plans Examination Supervisor	\$ 4,157	\$ 5,572
Vancouver	Inspection Supervisor	\$ 4,415	\$ 5,645
Eugene	Plan Review Supervisor	\$ 4,633	\$ 5,772
Gresham	Community Code Inspection Sup	\$ 4,623	\$ 6,008
Washington County	Building Services Supervisor	\$ 5,017	\$ 6,097
Clackamas County	Structural Mechanical Supervisor	\$ 4,765	\$ 6,432
Portland	Plan Review Supervisor	\$ 5,489	\$ 7,315
	<b>Average</b>		\$ 6,047
	<b>50th Percentile</b>		\$ 5,890
	<b>75th Percentile</b>		\$ 6,181
	<b>Beaverton - Current Grade 12</b>		\$ 5,668
	<b>Recommended Grade 13</b>		\$ 6,098

**No Match**

Tualatin  
Lake Oswego  
Clark County  
Springfield  
THP&R  
TVWD  
Metro  
Multnomah County  
Port of Portland  
TriMet  
Clean Water Services  
Albany  
Hillsboro  
Medford  
Corvallis

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon


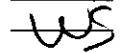
**SUBJECT:** Authorize Intergovernmental Agreement with Metro to Collect and Remit the Metro Construction Excise Tax and Retain an Administrative Fee

**FOR AGENDA OF:** 06-12-06 **BILL NO:** 06099

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** 

**DATE SUBMITTED:** 5-17-06

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Intergovernmental Agreement  
Metro Ordinance 06-1115  
(Information Only)

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

Metro, the regional planning organization, expanded the Urban Growth Boundary (UGB) in 2002 and 2004. The expansions included property within the Beaverton Urban Planning Area. State Statute and Metro Code require concept and comprehensive planning to be completed and adopted prior to development of land included in the UGB expansion. Resources do not currently exist for completing the concept and comprehensive planning within all UGB expansion areas. Metro Council adopted Ordinance 06-1115 on March 23, 2006 authorizing the collection of a Construction Excise Tax (CET) to provide the resources necessary to complete the planning within the UGB expansion areas. Municipalities that participate in collecting the CET will be eligible for up-front grants to provide the resources necessary to complete the planning in the UGB expansion areas.

### **INFORMATION FOR CONSIDERATION:**

The City has assumed responsibility for concept and comprehensive planning of one small (14 acre) part of a UGB expansion area on the north side of SW Scholls Ferry Road west of SW Loon Drive. Annexation of this area will be effective May 17, 2006. The plan for this area will be considered by the Planning Commission at the hearing on May 24, 2006. Other than staff time required to draft a report addressing Metro requirements as well as plan amendment and zone change criteria, the only City expense was approximately \$8,000 to have a traffic impact analysis prepared by a consulting firm. Subject to agreement with Washington County, the City may assume planning responsibility for a UGB expansion area on Cooper Mountain west of SW 185<sup>th</sup> Avenue. The CET can provide grant funding to offset the cost of completing the concept and comprehensive planning within these UGB expansion areas. In order to participate in collecting the CET and benefit from the resources it can provide, the City must enter into an Intergovernmental Agreement (IGA) with Metro. The IGA allows the City to retain 5 percent of the tax to offset administrative costs associated with collecting and remitting the tax.

### **RECOMMENDED ACTION:**

Authorize the Mayor to sign the IGA in a final form with Metro as approved by the City Attorney to collect and remit the Construction Excise Tax.

**CONSTRUCTION EXCISE TAX  
INTERGOVERNMENTAL AGREEMENT  
TO COLLECT AND REMIT TAX BETWEEN  
METRO AND THE CITY OF BEAVERTON**

This Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax ("CET Collection IGA") is effective on the last date of signature below, and is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 ("Metro"), and the City of Beaverton ("Jurisdiction"), located at 4755 SW Griffith Drive, Beaverton, OR 97076, collectively referred to as "Parties."

WHEREAS, in October 2005 Metro convened a tax study committee comprised of representatives from local jurisdictions and the development community, to provide recommendations for funding comprehensive planning needs associated with recent inclusions into the urban growth boundary; and that tax study committee recommended that a short-term construction excise tax on building permit values was the appropriate funding mechanism; and

WHEREAS, the tax study committee's recommendation was forwarded to the Metro Policy Advisory Committee ("MPAC"), and on March 8, 2006 MPAC recommended approval of the tax study committee's proposal that Metro adopt a construction excise tax that would be implemented by local jurisdictions to fund comprehensive planning needs associated with new inclusions into the urban growth boundary; and

WHEREAS, on March 23, 2006 Metro adopted Ordinance No. 06-1115, establishing a Construction Excise Tax ("CET") throughout the Metro regional jurisdiction; and

WHEREAS, the ordinance provides that the Construction Excise Tax may be collected by local jurisdictions and remitted to Metro pursuant to Intergovernmental Agreements, and that Metro will distribute up-front grants to local jurisdictions, based on grant requests that set forth the expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

WHEREAS, the Construction Excise Tax established by Ordinance No. 06-1115 will expire when the total amount collected by all jurisdictions and remitted to Metro and certified by Metro as such is \$6.3 million dollars, which is estimated to take approximately three years; and

WHEREAS, the Parties desire to agree to certain procedures needed to collect the Construction Excise Tax and remit the tax to Metro.

NOW THEREFORE, the Parties hereto agree as follows:

1. Information and Forms. Metro shall provide to the Jurisdiction information, forms, and assistance explaining the Construction Excise Tax.
2. Staffing. Jurisdiction shall provide sufficient staff to calculate and collect the Construction Excise Tax along with the collection of other permit fees. Metro shall provide sufficient staff to implement the CET program including grant distribution.

3. Collection; Start date. Jurisdiction agrees to collect the Construction Excise Tax on behalf of Metro. Jurisdiction shall begin collecting the CET on July 1, 2006, and shall continue collection until the expiration of the CET as set forth below.

4. Exemptions. Metro shall also provide Jurisdiction with forms for CET exemptions, rebates, and refunds, and any other forms or information necessary for implementation of the CET. If a Person claims to be exempt from the CET and files a Metro CET Exemption Form at the time the CET would otherwise be due, Jurisdiction shall grant the exemption. It shall be Metro's responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the CET, as well as any other remedy Metro may have under law, if the Person was not entitled to the exemption.

5. Remittance. Jurisdiction shall remit the collected CET to Metro. Remittance shall be quarterly, unless a jurisdiction prefers to remit the CET monthly, by the 30<sup>th</sup> of the month following the quarter (or month) ending. Quarters end on September 30, December 31, March 31 and June 30 of each year. CET remittance and the CET Report shall be sent to Metro, attn Construction Excise Tax Accounting Specialist, 600 NE Grand, Portland, Oregon 97232.

6. CET Reports. Along with the CET remittance, Jurisdiction shall prepare and submit to the Metro Chief Operating Officer a report of the CETs and building permits issued for the previous quarter's construction activities. The report shall include: the number of building permits issued that quarter; the aggregate value of construction; the number of building permits for which CET exemptions were given; the aggregate value of construction for the exempted construction; the aggregate amount of CET paid; and the amount of CET administrative fee retained by Jurisdiction pursuant to this CET Collection IGA.

7. Failure to Pay CET. Upon a Person's refusal to or failure to pay the CET when due, the jurisdiction administering that Person's building permit shall notify Metro in writing within five (5) business days of such failure, with information adequate for Metro to begin collection procedures against that Person, including the Person's name, address, phone numbers, Construction Project, Value of New Construction, and building permit number. Upon a Person's refusal or failure to pay the CET, it shall be Metro's responsibility to institute collection procedures to obtain payment of the CET as well as any other remedy Metro may have under law.

8. Records. Jurisdiction shall make all records related to building permit activity, Construction Excise Tax collections, and CET exemptions available to Metro, or its designated auditors, as necessary for Metro to audit Construction Excise Tax collections.

9. Administrative Fee. As consideration for the above described services, Jurisdiction shall retain Five Percent (5%) of the CET collected by the Jurisdiction. Prior to submitting the CET to Metro, Jurisdiction shall deduct this administrative fee directly from the CET collected, and the amounts deducted and retained shall be identified on the report submitted to Metro.

10. Sunset. Jurisdiction shall cease collection of the Construction Excise Tax pursuant to this CET Collection IGA on the last day of the month in which Metro certifies to Jurisdiction that a total of \$6.3 million has been collected by the Metro-area local jurisdictions and has been remitted to and received by Metro. CET already collected by Jurisdiction in the CET reporting period in which it receives Metro's written certification notice shall be remitted to Metro, and shall remain a part of the CET program and shall be distributed by Metro to local jurisdictions in accordance with the CET grant program.

11. Amendment. This CET Collection IGA may be amended by mutual written agreement of the Parties.

12. Other Agreements. This CET Collection IGA does not affect or alter any other agreements between Metro and Jurisdiction.

Metro

City of Beaverton

By: Michael Jordan

By: Rob Drake

Title: Metro Chief Operating Officer

Title: Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

State of Oregon )

ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2006, before me \_\_\_\_\_, the undersigned Notary Public, personally appeared Michael Jordan, as Chief Operating Officer of Metro, a municipal corporation, personally known to me (or proved to be on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

My commission expires: \_\_\_\_\_

State of Oregon )

ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2006, before me \_\_\_\_\_, the undersigned Notary Public, personally appeared \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_ jurisdiction, personally known to me (or proved to be on the basis of satisfactory evidence) to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that he (she or they) executed it.

My commission expires: \_\_\_\_\_

**EXHIBIT A**  
**ORDINANCE 06-1115**

METRO CODE - TITLE VII FINANCE  
(New) Chapter 7.04 CONSTRUCTION EXCISE TAX

SECTIONS:

7.04.010	Short Title . . . . .	
7.04.020	Purpose . . . . .	1
7.04.030	Definitions . . . . .	2
7.04.040	Exemptions . . . . .	3
7.04.045	Ceiling . . . . .	3
7.04.050	Rules and Regulations Promulgation . . . . .	4
7.04.060	Administration and Enforcement Authority . . . . .	4
7.04.070	Imposition of Tax . . . . .	4
7.04.080	Rate of Tax . . . . .	4
7.04.090	Failure to Pay . . . . .	4
7.04.100	Statement of Value of New Construction Required . . . . .	5
7.04.110	Intergovernmental Agreements . . . . .	5
7.04.120	Rebates . . . . .	5
7.04.130	Hearings Officer . . . . .	5
7.04.140	Appeals . . . . .	6
7.04.150	Refunds . . . . .	6
7.04.160	Enforcement by Civil Action . . . . .	6
7.04.170	Review . . . . .	6
7.04.180	Failure to Pay - Penalty . . . . .	7
7.04.190	Violation - Penalty . . . . .	7
7.04.200	Rate Stabilization . . . . .	7
7.04.210	Dedication of Revenue . . . . .	
7.04.220	Procedures for Distribution . . . . .	7
7.04.230	Sunset Provision . . . . .	

7.04.010 Short Title

This chapter shall be known as the "Construction Excise Tax."

7.04.020 Policy and Purpose

This chapter establishes a Construction Excise Tax to provide funding for regional and local planning that is required to make land ready for development after its inclusion in the Urban Growth Boundary.

#### 7.04.030 Definitions

As used in this chapter:

- (a) "Building Official" means any person charged by a municipality with responsibility for the administration and enforcement of a building code.
- (b) "Chief Operating Officer" means the person holding the position of Metro Chief Operating Officer established by Section 2.20.010 of the Metro Code.
- (c) "Construction" means erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law, whether residential or non-residential. Construction also includes the installation of a manufactured dwelling.
- (d) "Contractor" means any person who performs Construction for compensation.
- (e) "Improvement" means any newly constructed structure or a modification of any existing structure.
- (f) "Major Renovation" means any renovation, alteration or remodeling of an existing building or structure, or portion thereof, residential or non-residential, that requires or receives a building permit.
- (g) "Manufactured Dwelling" means any building or structure designed to be used as a residence that is subject to regulation pursuant to ORS 446, as further defined in ORS 446.003(26).
- (h) "Person" means and includes individuals, domestic and foreign corporations, public bodies, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any legal entity whatsoever.
- (i) "Value of New Construction" means the total value of the Construction as determined by the construction permit or building permit for the Improvement and/or Major Renovation.



#### 7.04.040 Exemptions

- (a) No obligation to pay the tax imposed by Section 7.04.070 shall be imposed upon any Person who establishes that one or more of the following are met:
- (1) The Value of New Construction is less than or equal to \$100,000; or
  - (2) The Person who would be liable for the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes and the property is restricted to being occupied by Persons with incomes less than 50 percent (50%) of the median income for a period of 30 years or longer; or
  - (3) The Person who would be liable for the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the Construction is dedicated for use for the purpose of providing charitable services to Persons with income less than 50 percent (50%) of the median income.
- (b) The Building Official or Chief Operating Officer may require any Person seeking an exemption to demonstrate that the Person is eligible for an exemption and that all necessary facts to support the exemption are established.

#### 7.04.045 Ceiling

Notwithstanding the provisions set forth in Sections 7.04.070 and 7.04.080, if the Construction Excise tax imposed by this Chapter would be greater than \$12,000 (Twelve Thousand Dollars) as measured by the Value of New Construction that would generate that amount of tax, then the Construction Excise Tax imposed for that Construction is capped at a ceiling of \$12,000 (Twelve Thousand Dollars).

#### 7.04.050 Rules and Regulations Promulgation

The Chief Operating Officer shall promulgate rules and regulations necessary for the administration and enforcement of this chapter.

#### 7.04.060 Administration and Enforcement Authority

(a) The Chief Operating Officer shall be responsible for the administration and enforcement of this chapter. In exercising the responsibilities of this section the Chief Operating Officer may act through a designated representative.

(b) In order to carry out the duties imposed by this chapter, the Chief Operating Officer shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths, certify to all official acts; to subpoena and require attendance of witnesses at hearings to determine compliance with this chapter, rules and regulations; to require production of relevant documents at public hearings; to swear witnesses; and to take testimony of any Person by deposition.

#### 7.04.070 Imposition of Tax

A Construction Excise tax is imposed on every Person who engages in Construction within the Metro Area. The tax shall be measured by the total Value of New Construction at the rate set forth in Section 7.04.080. If no additional value is created or added by the Construction and if the Construction does not constitute a Major Renovation then there shall be no tax due. The tax shall be due and payable at the time of the issuance of any building permit, or installation permit in the case of a manufactured dwelling, by any building authority.

#### 7.04.080 Rate of Tax

The rate of tax to be paid for Construction and/or Major Renovation shall be 0.12% of the Value of New Construction.

#### 7.04.090 Failure to Pay

It shall be unlawful for any Person to fail to pay all or any portion of the tax imposed by this chapter.

#### 7.04.100 Statement of Entire Value of New Construction Required

It shall be unlawful for any Person to fail to state or to misstate the full Value of New Construction of any Improvement, Major Renovation, or Manufactured Dwelling. When any Person pays the tax, within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the Value of New Construction of the Improvement, Major Renovation, or Manufactured Dwelling is the Value of New Construction as determined by the Building Official at the time of issuance of the building permit or installation permit. When any Person fails to pay the tax within the time provided for payment of the tax, the Value of New Construction constructed shall be as established by the Chief Operating Officer who may consider the Value of New Construction established by the Building Official but may consider other evidence of actual value as well.

#### 7.04.110 Intergovernmental Agreements

The Chief Operating Officer may enter into intergovernmental agreements with other local governments and jurisdictions to provide for the enforcement of this chapter and the collection and remittance of the Construction Excise Tax. The agreements may provide for the governments to retain no more than 5 percent (5%) of the taxes actually collected as reimbursement of administrative expenses, and also for the reimbursement of the government's reasonable, one time, start-up costs as set forth in the agreements.

#### 7.04.120 Rebates

(a) The Chief Operating Officer shall rebate to any Person who has paid a tax the amount of tax actually paid, upon the Person establishing that the tax was paid for Construction that is eligible for an exemption under Section 7.04.040.

(b) The Chief Operating Officer shall either rebate all amounts due under this section within 30 days of receipt of a complete application for the rebate or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140.

#### 7.04.130 Hearings Officer

The Chief Operating Officer shall appoint a hearings officer to conduct hearings related to enforcement or appeals of this chapter. All hearings shall be conducted in accordance with rules and regulations adopted by the Chief Operating Officer.

#### 7.04.140 Appeals

Any Person who is aggrieved by any determination of the Chief Operating Officer regarding liability for payment of the tax, the amount of tax owed, or the amount of tax that is subject to refund or rebate may appeal the determination in accordance with Section 7.04.130. All appeals must be in writing and must be filed within 10 days of the determination by the Chief Operating Officer. No appeal may be made unless the Person has first paid the tax due as determined by the Chief Operating Officer.

#### 7.04.150 Refunds

(a) Upon written request, the Chief Operating Officer shall refund any tax paid to the Person who paid the tax after that Person has established that Construction was not commenced and that any Building Permit issued has been cancelled as provided by law.

(b) The Chief Operating Officer shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140.

#### 7.04.160 Enforcement by Civil Action

The tax and any penalty imposed by this chapter constitutes a debt of the Person liable for the tax as set forth in Section 7.04.070 of this chapter and may be collected by the Chief Operating Officer in an action at law. If litigation is necessary to collect the tax and any penalty, the prevailing party shall be entitled to reasonable attorney fees at trial or on appeal. The Office of Metro Attorney is authorized to prosecute any action needed to enforce this chapter as requested by the Chief Operating Officer.

#### 7.04.170 Review

Review of any action of the Chief Operating Officer taken pursuant to this chapter, or the rules and regulations adopted pursuant thereto, shall be taken solely and exclusively by writ

of review in the manner set forth in ORS 34.010 through 34.100, provided, however, that any aggrieved Person may demand such relief by writ of review.

#### 7.04.180 Failure to Pay - Penalty

In addition to any other fine or penalty provided by this chapter, failure to pay the tax within 15 days of the date of issuance of any Building Permit for any Improvement, Major Renovation, or installation permit for any Manufactured Dwelling shall result in a penalty equal to the amount of tax owed or fifty dollars (\$50.00), whichever is greater.

#### 7.04.190 Violation - Penalty

(a) In addition to any other civil enforcement provided herein, violation of this chapter shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00).

(b) Violation of this chapter by any officer, director, partner or other Person having direction or control over any Person violating this chapter shall subject each such Person to such fine.

#### 7.04.200 Rate Stabilization

In order to protect against the cyclical nature of the construction industry and development patterns, the Council shall annually as part of the budget process create reserves from the revenues generated or expected to be generated by the Construction Excise Tax, which reserves are designed to protect against future fluctuations so as to promote stability in the funds needed to support required programs.

#### 7.04.210 Dedication of Revenues

Revenue derived from the imposition of this tax after deduction of necessary costs of collection shall be dedicated to fund regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary.

#### 7.04.220 Procedures for Distribution

The Chief Operating Officer shall distribute the revenues from the Construction Excise Tax as grants to local governments based on an analysis of grant requests submitted by the local

jurisdiction which set forth the expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan.

7.04.230 Sunset Provision

The Construction Excise Tax shall not be imposed on and no person shall be liable to pay any tax for any construction activity that is commenced pursuant to a building permit issued on or after the last day of the month in which a total of \$6.3 million has been collected under this Chapter, received by Metro, and certified as received by Metro to the local collecting jurisdictions.

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

**SUBJECT:** Development Services Fee Schedule  
Amendment

**FOR AGENDA OF:** 6-12-06 **BILL NO:** 06100

**Mayor's Approval:** 


**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 5-23-06

**CLEARANCES:**

Finance 

City Attorney 

Devel. Services 

**PROCEEDING:** Consent Agenda

- EXHIBITS:**
1. Draft Resolution approving the Community Development Department's development services fee schedule
  2. Proposed Development Services Fee Schedule.

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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#### **HISTORICAL PERSPECTIVE:**

Since at least June 1994, the City has annually adjusted the Community Development Department's Development Services Fee Schedule according to the United States Department of Labor Consumer Price Index "West-C". The CPI-W for western urban cities with a population between 50,000 and 1,500,00 people has increased 3.0% between April 2005 and April 2006.

#### **INFORMATION FOR CONSIDERATION:**

Attached to this agenda bill is the proposed resolution for adopting the amended fee schedule. The proposed fee schedule is also attached and reflects a 3.0% increase in the fees. The appeal fee for a Type 1 and Type 2 decisions has not been adjusted as that fee is established by State Statute. Other fees not amended are the deposits on the fee schedule.

Staff also propose to reduce the fee for the Wireless One application. The scope of a Wireless One application is very similar to the Design Review Compliance Letter application and the amount of staff time spent on a Wireless One application is also similar to a Design Review Compliance Letter application. Therefore, staff propose that the Wireless One application fee match the Design Review Compliance Letter application fee. This would represent a reduction in the fee by approximately \$500.

Lastly, staff propose to add a new fee for the Commercial Timber Harvest application and to delete the fee for the Tree Plan Four application. The Commercial Timber Harvest application was added to the Development Code through the Tree Plan Text Amendment (TA 2004-0011) in 2005. Staff recommend a fee to match the Tree Plan One application since the Commercial Timber Harvest application is also a Type 1 application. The Tree Plan Four application was eliminated by the same text amendment in 2005.

#### **RECOMMENDED ACTION:**

Staff recommend that the City Council approve the attached resolution adopting a new Development Services Fee Schedule.

**Agenda Bill No:** 06100

RESOLUTION NO. 3861

**A RESOLUTION SUPERSEDING RESOLUTION NO. 3852 AND  
ESTABLISHING FEES FOR PLANNING PERMITS, APPEALS, AND  
OTHER SERVICES PURSUANT TO SECTION 10.55 OF THE BEAVERTON  
DEVELOPMENT CODE, ORDINANCE 2050.**

**WHEREAS**, Section 10.55 of the Beaverton Development Code (Ordinance 2050) provides that the City may charge and collect filing and other fees as established by resolution of the Council in order to defray expenses incurred in connection with the processing of applications, preparation of reports, publications of notices, issuance of permits and other matters; and,

**WHEREAS**, it is City policy to annually adjust fees for applications and appeals to reflect inflation and processing expenses; and,

**WHEREAS**, the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for western urban cities with populations of 50,000 to 1,500,000 people has increased by 3.0% for the time between April 2005 and April 2006; and,

**WHEREAS**, legal public notice of the Beaverton City Council's consideration of the adjustment to the City's Development Services Fee Schedule was published in the May 25, 2006 edition of the *Valley Times*; and,

**WHEREAS**, the Beaverton City Council met at a regularly scheduled meeting on June 12, 2006 to consider, on consent agenda, the amendment to the City's Development Services Fee Schedule; now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON,  
OREGON:**

Section 1: The Council adopts the amended fee schedule of the Community Development Department Development Services Division actions on land development applications and processes as shown in Exhibit A to this Resolution, attached and incorporated herein by this reference. The fee schedule shall be effective for all applications received on and after July 1, 2006.

Section 2: The Council directs the Mayor annually to adjust the fee schedule adopted by this Resolution effective for land development applications received on and after July 1 of each succeeding calendar year according to the United States Department of Labor Consumer Price Index West published for the interval last preceding that effective date. The Mayor shall endeavor to give 60 days public notice of the fee adjustment prior to the effective date of each adjustment, but failure to give such notice shall not invalidate the adjustment.



Section 3: This Resolution supersedes anything to the contrary in Resolution No. 3852 and in all prior resolutions setting fees for Development Services Division actions on land development approvals.

Section 4: This Resolution shall take effect July 1, 2006.

Adopted by the Council this \_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Attest:

Approved:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
Rob Drake, Mayor

<b>CITY OF BEAVERTON</b> <b>DEVELOPMENT SERVICES FEE SCHEDULE</b> <b>JULY 1, 2006 TO JUNE 30, 2007</b>	
<b>APPLICATION TYPE</b>	<b>Fees</b>
ACCESSORY DWELLING UNIT	\$ 173
ADJUSTMENT	
MINOR	\$ 628
MAJOR	\$ 1,934
APPEALS	
TYPE 1 AND TYPE 2 DECISIONS*	\$ 250
TYPE 3 AND TYPE 4 DECISIONS	\$ 1,314
BALLOT MEASURE 37 CLAIM (Deposit)	\$ 1,000
COMPREHENSIVE PLAN AMENDMENT	\$ 4,790
CONDITIONAL USE	
MINOR MODIFICATION	\$ 626
MAJOR MODIFICATION	\$ 2,624
ADMINISTRATIVE	\$ 1,261
NEW CONDITIONAL USE	\$ 2,624
PRELIMINARY PLANNED UNIT DEVELOPMENT	\$ 2,624
FINAL PLANNED UNIT DEVELOPMENT	\$ 2,624
DESIGN REVIEW	
DESIGN REVIEW COMPLIANCE LETTER	\$ 103
DESIGN REVIEW TWO	\$ 1,654
DESIGN REVIEW THREE	\$ 3,638
DEVELOPMENT COMPLIANCE FEES	
DMV REVIEW (License Renewal)	\$ 41
DMV REVIEW (New Business)	\$ 103
DIRECTOR'S INTERPRETATION	\$ 659
EXTENSION OF PRIOR APPROVAL	\$ 309
FLEXIBLE & ZERO YARD SETBACKS	
INDIVIDUAL LOT (with endorsement)	\$ 103
INDIVIDUAL LOT (without endorsement)	\$ 828
PROPOSED RESIDENTIAL LAND DIVISION	\$ 828
PROPOSED ANNEXATION	\$ 828
ZERO SETBACK - PROPOSED RESIDENTIAL LAND DIVISION	\$ 828
ZERO SETBACK - PROPOSED NON-RESIDENTIAL LAND DIVISION	\$ 370
HISTORIC REVIEW	
ALTERATION	\$ 624
EMERGENCY DEMOLITION	\$ 624
DEMOLITION	\$ 624
NEW CONSTRUCTION WITHIN HISTORIC DISTRICT	\$ 624
HOME OCCUPATION	
HOME OCCUPATION ONE	N/C
HOME OCCUPATION TWO	\$ 464
LAND DIVISION	
LOT LINE ADJUSTMENT	\$ 417
PRELIMINARY PARTITION or FEE-OWNERSHIP PARTITION	\$ 3,090
PRELIMINARY SUBDIVISION or FEE-OWNERSHIP SUBDIVISION	\$3842 + \$95 / Lot
FINAL PARTITION	\$ 805
FINAL SUBDIVISION	\$ 979
EXPEDITED LAND DIVISION	\$ 6,077

APPLICATION TYPE	Fees
LOADING DETERMINATION	\$ 270
PARKING DETERMINATION	
PARKING REQUIREMENT DETERMINATION	\$ 270
SHARED PARKING	\$ 270
USE OF EXCESS PARKING	\$ 135
PRE-APPLICATION CONFERENCE	\$ 220
PROJECT MANAGEMENT DEPOSIT (minimum charge)	\$ 3,000
PUBLIC NOTICE (Ballot Measure 56) (deposit)	\$ 10,000
PUBLIC TRANSPORTATION FACILITY	\$ 827
RE NOTIFICATION	\$ 139
RESEARCH / PER HOUR	\$ 139
SIGN	\$ 74
SOLAR ACCESS	\$ 717
STREET NAME CHANGE	\$ 1,545
STREET VACATION	\$ 1,854
TEMPORARY USE	
MOBILE SALES	\$ 173
NON-MOBILE SALES	\$ 173
STRUCTURE	\$ 173
REAL ESTATE OFFICE	\$ 173
NON-PROFIT EVENT	\$ 173
TEXT AMENDMENT	\$ 4,357
TREE PLAN	
TREE PLAN ONE	\$ 579
TREE PLAN TWO	\$ 948
TREE PLAN THREE	\$ 1,314
COMMERCIAL TIMBER HARVEST	\$ 579
VARIANCE	\$ 1,934
WIRELESS FACILITY	
WIRELESS FACILITY ONE	\$ 103
WIRELESS FACILITY TWO	\$ 1,261
WIRELESS FACILITY THREE	\$ 2,624
ZONE CHANGE	
QUASI-JUDICIAL	\$ 2,746
LEGISLATIVE	\$ 2,746
ANNEXATION RELATED - NON DISCRETIONARY	N/C
ANNEXATION RELATED - DISCRETIONARY	N/C
REIMBURSE TRAFFIC IMPACT ANALYSIS COST**	\$ 5,000
<p>* Pursuant to ORS 227.175(10), if a land use decision has not previously been heard in a public hearing format, the fee for an appeal of that decision cannot be greater than \$250.00. This fee is not to be charged to any local government agencies. If the appellant prevails in this appeal, this appeal fee is to be refunded.</p>	
<p>** Pursuant to Resolution No. <u>3852</u>, this fee is applicable only to the development of parcels identified as tax map lot identification nos. 2S1060000101 and 2S1060000102. The fee is a one time fee and will be assessed with the initial</p>	
<p>Adopted by Resolution No. _____</p>	

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** A Resolution Approving Transfer of  
Appropriation Within the Building Fund to  
Provide Contracted Plan Review Services

**FOR AGENDA OF:** 06-12-06 **BILL NO:** 06101

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 06-05-06

**CLEARANCES:** Finance 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Resolution

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$10,000	BUDGETED \$0	REQUIRED \$10,000

Account Number: 105-70-0664-10-511 - \$10,000 – Building Operating Fund.

### **HISTORICAL PERSPECTIVE:**

During periods of heavy permit activity and staff shortages, the ability for staff to conduct plan reviews within industry accepted time frames (six weeks for new commercial buildings) is compromised. Contract plan review firms have been used to assist in maintaining plan review turnaround time during these periods.

### **INFORMATION FOR CONSIDERATION:**

The Building Services Division has recently experienced plan review staff shortages that will result in a significant loss of plan review resources. Until these staff vacancies can be filled, customer service may be compromised. The use of qualified plan review firms (whom the City has had similar contracts with in the past) provides resources to meet the plan review needs of the City and its customers. Additional appropriation may be needed into early FY 06-07, while staffing vacancies are filled.

### **RECOMMENDED ACTION:**

Council adopt the attached resolution approving transfer of appropriation within the Building Fund to provide Contracted Plan Review Service.

RESOLUTION NO. 3862

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE BUILDING FUND OF THE CITY DURING THE FY 2005-06 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

**WHEREAS**, the City Council reviews and approves the annual budget; and,

**WHEREAS**, during the year the Council must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and,

**WHEREAS**, an appropriation of \$10,000 is needed in the Materials and Services Category of the Building Fund for contracted plan review services due to unexpected staff vacancies, and the expenditure appropriation is available in the Contingency Category of the fund; now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:**

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

- \$10,000 out of the Contingency Category of the Building Fund into the Materials and Services Category as indicated below:

Materials and Services	105-70-0664-511	\$10,000
Contingency	105-70-0661-991	<\$10,000>

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
Rob Drake, Mayor

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Authorize Intergovernmental Agreement  
with Washington County Cooperative  
Library Services Regarding the Provision of  
Telephone Reference Service.

**FOR AGENDA OF:** 06-12-06 **BILL NO:** 06102

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Library 

**DATE SUBMITTED:** 05-30-06

**CLEARANCES:** Finance   
City Attorney 

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Intergovernmental Agreement with  
Attachment A

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

### **HISTORICAL PERSPECTIVE:**

The Beaverton City Library has provided telephone reference service for the Washington County Cooperative Library Service (WCCLS) on a contractual basis since July 1994. The current one-year Intergovernmental Agreement (IGA) for services expires June 30, 2006.

### **INFORMATION FOR CONSIDERATION:**

Staff is proposing a one-year extension of the current IGA. The City currently receives \$6,666 per month for the provision of telephone reference services. Under the one-year extension; the City will continue to receive \$6,666 per month for FY2006-07.

### **RECOMMENDED ACTION:**

Council authorize the Mayor to sign the attached IGA which extends telephone reference services for a one-year period ending June 30, 2007 to the Washington County Cooperative Library Service.

## INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and the City of Beaverton.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

- 1) The effective date is: July 1, 2006, or upon final signature, whichever is later.  
  
The expiration date is: June 30, 2007; unless otherwise amended.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) To the extent applicable, the provisions of ORS 279B.220 through ORS 279B.235 and ORS 279C.500 through 279C.870 are incorporated by this reference as though fully set forth.
- 5) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.
- 6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 7) This Agreement may be terminated, with or without cause and at any time, by a party by providing 60 (30 if not otherwise marked) days written notice of intent to the other party(s).
- 8) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 9) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
- 10) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

- 11) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.
- 12) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
- 13) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefor.
- 14) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

\_\_\_\_\_  
Jurisdiction

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Address: \_\_\_\_\_

**WASHINGTON COUNTY:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Address:

155N First Avenue  
Mail Stop # 58  
Hillsboro, OR 97214



# ATTACHMENT A

## Statement of Work /Schedule/Payment Terms

This AGREEMENT is made and entered into by and between Washington County for Washington County Cooperative Library Services (hereafter the "Cooperative"), a political subdivision of the State of Oregon, and the City of Beaverton for the Beaverton City Library (hereafter "Library").

### I. Services to be provided by Library

Beaverton City Library agrees to provide Telephone Reference Service to all residents of Washington County all hours the library is open to the public. Library agrees to maintain statistics related to the number of calls received and forward those statistics to the Cooperative monthly.

### II. Payment Terms

The Cooperative shall pay Library \$6666 per month for services provided. Payments shall be made by the 15<sup>th</sup> of the month.

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Contract Renewal Between Unlimited Choices, Inc. and the City of Beaverton for the Adapt-a-Home Program

**FOR AGENDA OF:** 06/12/06 **BILL NO.** 06103

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** 

Mayor's Office

**DATE SUBMITTED:** 05/19/06

**CLEARANCES:**

CDBG  
Finance  
City Attorney



**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:**

### BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$75,000	BUDGETED \$75,000*	REQUIRED \$0

\*\$100,000 in Account Number 106-10-6013-514 Community Development Block Grant Fund – Housing Rehab Expense. The Amount Budgeted represents the appropriation in the proposed FY 2006-07 Budget that is also scheduled for adoption at the June 19, 2006 Council Meeting. This contract award is contingent upon adopting the FY 2006-07 Budget.

### HISTORICAL PERSPECTIVE:

Using Community Development Block Grant (CDBG) funds, the City's Accessibility Rehabilitation Program provides small grants to both homeowners and renters for ramps, bathroom fixtures and other modifications to increase the permanent supply of accessible housing in the City and help residents with impaired mobility continue to live independently in their homes. As with the City's Housing Rehabilitation Program, the City provides this service through a contract with an experienced outside organization that administers the program: in this case, Unlimited Choices, Inc. (UCI). Our contract with UCI expires on June 30, 2006, but allows for a one-year renewal upon agreement by both parties.

### INFORMATION FOR CONSIDERATION:

UCI's responsibilities as administrator of the Accessibility Rehabilitation Pilot Program include:

- intake and eligibility determination for applicants
- inspections and environmental assessments
- assisting participants with identifying qualified contractors and obtaining bids
- processing grants and payments to contractors
- extensive recordkeeping & reporting

City CDBG program staff market the program to potential participants, report to HUD on program accomplishments and beneficiaries, and monitor UCI's performance and records periodically. UCI has consistently met or exceeded City expectations in carrying out the program.

### RECOMMENDED ACTION:

Council, acting as Contract Review Board, renew the contract for one year with Unlimited Choices, Inc. for the administration of the Accessibility Rehabilitation Program, in the amount of \$75,000 together with any unexpended funds from FY06, in a form approved by the City Attorney and subject to Council's approval of the proposed FY 2006-07 Budget.

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon

**SUBJECT:** Contract Renewal for Intergovernmental Agreement Between the Portland Development Commission (PDC) and the City of Beaverton for the Management of the Citywide Housing Rehabilitation Program

**FOR AGENDA OF:** 06/12/06 **BILL NO:** 06104

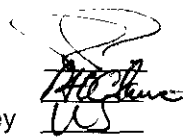
**Mayor's Approval:**

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 05/22/06

**CLEARANCES:**

CDBG  
Finance  
City Attorney



**PROCEEDING:** Consent Agenda  
(Contract Review Board)

**EXHIBITS:**

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$220,375	BUDGETED \$220,375*	REQUIRED \$0

\*Account Number 106-10-6001-514 Community Development Block Grant Fund - Prior Program Projects - Housing Rehabilitation Expense Account. The Amount Budgeted represents the appropriation in the Proposed FY 2006-07 Budget and is pending based upon the approval of the FY 2006-07 Budget at the June 19, 2006 Council Meeting.

### **HISTORICAL PERSPECTIVE:**

The City's Housing Rehabilitation Program (HRP) helps qualified homeowners finance necessary repairs on their homes, using Community Development Block Grant (CDBG) and HOME Program funds available to the City through the U.S. Department of Housing and Urban Development (HUD). The HRP makes low-interest loans and grants available to homeowners in Beaverton whose income is at or below 80% of the Area Median Income, for home repairs that address health and safety concerns.

Since 1999 the City has contracted with the Portland Development Commission (PDC) to administer the program, under an Intergovernmental Agreement (IGA) originally signed in 1999, and renewed several times since then. During the last two program years, the Program assisted twenty-eight (28) homeowners with a total of \$148,437 in CDBG funds and \$145,083 in HOME funds. The current IGA expires on June 30, 2006.

### **INFORMATION FOR CONSIDERATION:**

The City proposes to extend the agreement with PDC to carry out the Housing Rehab Program in FY 2006, using unspent carryover CDBG funds from the current budget year, along with program income from repaid loans.

The City entered into the original IGA with PDC based on their demonstrated expertise and experience with similar programs for other jurisdictions, and their ability to deliver the program at a reasonable cost. Staff is satisfied with PDC's performance, and believes that PDC continues to be the best option for delivering the program at this time.

As in the previous IGA, PDC is to be paid a project administration fee of 22% of the total amount funded through the HRP. PDC's responsibilities include:

- intake and eligibility determination for applicants
- inspections and environmental assessments
- working with Tualatin Valley Fire & Rescue to identify and address fire safety hazards in mobile homes
- assisting participants with identifying qualified contractors and obtaining bids
- lead-based paint risk assessments & relocation (if necessary) while lead hazard containment is underway
- loan processing, underwriting and administration
- extensive recordkeeping & reporting

City CDBG program staff market the program to potential participants, report to HUD on program accomplishments and beneficiaries, and monitor PDC's performance and records periodically.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, authorize the Mayor to renew the Intergovernmental Agreement with the Portland Development Commission for the management of the Housing Rehabilitation Program through June 30, 2007 in a form approved by the City Attorney.

## AGENDA BILL

### Beaverton City Council Beaverton, Oregon


**SUBJECT:** Appeal of TA 2004-0012 (TC-MU  
Commercial Use Restriction Amendment)


**FOR AGENDA OF:** 6-12-06 **BILL NO:** 06105

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 6-5-06

**CLEARANCES:** City Attorney 

Devel. Services 

**PROCEEDING:** Public Hearing

**EXHIBITS:** **Exhibit A** - Staff Memorandum dated 6-5-06 responding to appeal issues.  
**Exhibit B** - Letter of appeal with exhibits.  
**Exhibit C** - Correspondence from Neighbors SW NAC  
**Exhibits D through S** Planning Commission record. See table of contents for complete listing.

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

The Town Center - Multiple Use (TC-MU) zoning was established in 1999 after an extensive two-year study as a part of the Murray Scholls Town Center (MSTC) Plan. The use restriction which limits individual retail uses to a footprint of no more than 50,000 square feet was adopted as a part of the MSTC planning effort in 1999. The TC-MU zoning was first applied to land in the former Progress Quarry and then applied to a portion of the Teufel Nursery fronting along Barnes Road when the Teufel Nursery property was annexed into the City in 2004.

The Planning Commission held a series of public hearings on the proposed text amendment beginning on April 20, 2005 through March 8, 2006. At the conclusion of the March 8, 2006 meeting, the Commission decided to recommend approval of the proposed text amendment. The decision to recommend approval was split 5-2 with Commissioners Kroger and Winter dissenting.

### **INFORMATION FOR CONSIDERATION:**

A staff report in response to the appeal and the Planning Commission record on this matter is attached to this Agenda Bill for Council consideration.

### **RECOMMENDED ACTION:**

Staff recommend that the City Council confirm the recommendation of approval made by the Planning Commission at the March 8, 2006 regular Commission meeting as summarized in Land Use Order 1853. Staff further recommend that the City Council direct staff to prepare the necessary ordinance and schedule the Development Code text amendment for first reading at the earliest convenient date.

# Appeal No. APP 2006-0001

## Appeal of Planning Commission Recommendation to Approve TA 2004-0012 (TC-MU Commercial Use Restriction Amendment)

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Exhibit A Staff Memorandum Dated June 5, 2006 responding to appeal issues.	1 - 8
Exhibit B Letter of appeal.	9 - 30
Exhibit C Correspondence and petition from Neighbors SW NAC	31 - 40
<b>Page nos. 41 through 100 were deliberately not used as a part of this Agenda Bill</b>	
Exhibit D Land Use Order 1853.	101 - 108
Exhibit E Planning Commission recommended text amendment.	109 - 112
Exhibit F March 8, 2006 Planning Commission minutes	113 - 130
Exhibit G March 8, 2006 Planning Commission staff report with exhibits.	131 - 316
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Exhibit I February 8, 2006 Planning Commission minutes	321 - 344
Exhibit J February 8, 2006 Planning Commission staff report with exhibits.	345 - 408
Exhibit K Memo dated February 8, 2006 with late mail items for Planning Commission meeting	409 - 418
Exhibit L Graphics submitted at February 8, 2006 Planning Commission meeting	419 - 424
Exhibit M January 11, 2006 Planning Commission minutes	425 - 430
Exhibit N Correspondence submitted at January 11, 2006 Planning Commission meeting.	431 - 434
Exhibit O January 11, 2006 Planning Commission staff report with exhibits.	435 - 614

	Page No.
Exhibit P	Planning Commission minutes, 6-29-05, 6-8-05, 5-25-05, and 4-20-05.
Exhibit Q	Correspondence submitted at April 20, 2005 PC meeting.
Exhibit R	Memo dated April 15, 2005 with missing page from staff report.
Exhibit S	April 20, 2005 Planning Commission staff report with exhibits.

# EXHIBIT A

## STAFF MEMORANDUM

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## CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

### CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

**TO:** City Council

**STAFF REPORT DATE:** Monday June 5, 2006

**STAFF:** Steven A. Sparks, AICP, Development Services Manager *AS*

**SUBJECT:** APP 2006-0001 (Appeal of TA 2004-0012 (TC-MU Commercial Use Restriction Amendment))

**REQUEST:** Proposal to amend Development Code Section 20.20.30.2.D.3. to create an alternative retail trade use restriction that would allow individual retail use footprints to exceed 50,000 square feet.

**APPELLANTS:** Kim Levin and Sarah Yahna

**APPLICANT:** Gramor Development, Inc.  
19767 SW 72<sup>nd</sup>., Suite 100  
Tualatin, OR. 97062

**AUTHORIZATION:** Ordinance 2050 (Development Code)

**APPLICABLE CRITERIA:** Ordinance 2050, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

**HEARING DATE:** Monday, June 12, 2006

**RECOMMENDATION:** Approve the proposed text amendment consistent with the Planning Commission's recommendation and deny the appeal.

## A. LEGISLATIVE HISTORY

The staff report prepared for the January 11, 2006 Planning Commission hearing summarizes the legislative history for the subject Development Code requirement. Staff incorporate the discussion contained in that report by reference in this report. The discussion on legislative history is located at pages 438 through 439 of the Council's packet for this agenda bill item.

## B. PROJECT HISTORY

The staff report prepared for the January 11, 2006 Planning Commission hearing summarizes the project history of the proposed Development Code text amendment and the new proposal for a development agreement. Staff incorporate the discussion contained in that report by reference in this report. The discussion on project history is located at pages 440 through 441 of the Council's packet for this agenda bill item.

## C. ISSUES OF APPEAL

One (1) appeal of the Planning Commission recommendation to approve TA 2004-0012 has been filed which was done so in accordance with Section 50.75. of the Development Code. The appeal was filed by Ms. Kim Levin and Ms. Sarah Yahna.

The appeal asserts that the Planning Commission erred in its decision to recommend approval of the TC-MU Commercial Use Restriction text amendment (TA 2004-0012) because the amendment fails to meet approval criteria numbers 40.85.15.1.C.3, 4, and 6. In addition to the quoted approval criteria, the appellant further asserts that the proposed text amendment is not consistent with the purpose of a text amendment as stated in Section 40.85.05 of the Development Code. The following is staff's response to the four (4) issues as stated in the letter of appeal dated March 31, 2006.

### 1. *Text Amendment approval criterion no. 3*

The subject approval criterion reads as follows: *"The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan."*

The appellants argue that allowing big box retail uses is not consistent with the provisions of the Metro Urban Growth Management Functional Plan (UGMFP). The argument continues that big box stores are "accompanied by seas of automobiles. Minimal regard is made to local use and pedestrians."

Implementation of the Metro 2040 Growth Concept design types, e.g. Regional Center, Town Centers, and Employment Areas, was left to each jurisdiction within the Urban Growth Boundary. The Metro UGMFP does specify that a characteristic of the Town Center design type is that the area should have a density of 60 persons per acre. This density is to be achieved by employment and housing. The UGMFP does not state how to achieve this density. Title 2 of the UGMFP discusses the regional parking strategy. Title 2 differs from Title 1 in that Title 2 does contain specific standards to implement. Title 2 states that for certain uses, jurisdictions must adopt minimum and maximum parking standards. Retail uses are one of the uses included in the UGMFP Title 2 parking tables.

As a component of Title 1 compliance, the City undertook an extensive planning study of the area then known as the Murray Scholls Town Center (MSTC) in 1997 and 1998. One of the results of the MSTC study was new Development Code text for a new zoning district, Town Center - Multiple Use (TC-MU). Retail uses are identified as permitted uses in the TC-MU zone. However, the footprint of individual retail use buildings were limited to 50,000 square feet. It is this provision that the applicant proposes to amend.

The MSTC study area is not the only Town Center in Beaverton. The site of the Teufel Nursery is also designated a Town Center and that area underwent a town center planning study when the area was still in the jurisdiction of Washington County. That town center is known as the Cedar Mill Town Center area. When the City annexed the Teufel Nursery site, the portion of the site bordering Barnes Road received the TC-MU zoning designation. Therefore, the proposed amendment will also affect that area which is zoned TC-MU.

As for Title 2 compliance, the City has amended its code to be consistent with the parking requirements specified by Title 2 of the UGMFP.

The appellant is incorrect in claiming the amendment is inconsistent with the Metro UGMFP. The UGMFP does not specify maximum size limits for retail uses. Further, any retail use proposed must meet the minimum and not exceed the maximum parking limits specified in the Development Code. While a large parking area may occur with a development, the parking area will be consistent with Code provisions. In determining consistency with the Metro UGMFP, the Planning Commission relied on the findings provided by the applicant. The findings of the applicant can be found on pages 468 through 474 of the Council's packet for this agenda bill item.

## *2. Text Amendment approval criterion no. 4*

The subject approval criterion reads as follows: *"The proposed text amendment is consistent with the City's Comprehensive Plan."*

The appellant asserts that the proposed amendment is not consistent with the policies supporting Goals 3.5.1 and 3.7.1 in the Comprehensive Plan. The appellants do not specify which policies the amendment is inconsistent. In determining consistency with the Comprehensive Plan, the Planning Commission relied on the findings provided by the applicant. The findings of the applicant can be found on pages 475 through 482 of the Council's packet for this agenda bill item.

3. *Text Amendment approval criterion no. 6*

The subject approval criterion reads as follows: "*The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*"

The appellant asserts that the proposed amendment "failed to demonstrate compliance with the Teufel Ordinance (Cedar Mill Town Center)." The Teufel Ordinance (Ord 4293) is the ordinance the City adopted when applying zoning to the Teufel site after annexation took place. The Teufel Ordinance carried forward provisions of the Cedar Mill Town Center plan which were applicable to the Teufel site. The applicant provided a response in their application narrative to demonstrate compliance with the Teufel Ordinance. This can be found on pages 485 through 486 of the Council's packet for this agenda bill item. The Planning Commission relied on these findings in rendering their decision on this approval criterion.

4. *Purpose statement of 40.85.05*

The purpose statement is not an approval criterion for the text amendment. In fact, the last sentence of the purpose section reads "*This Section is carried out by the approval criteria listed herein.*" Because the Commission found that the proposed amendment met the approval criteria for a text amendment, one will conclude that the proposed amendment meets the purpose of the text amendment application.

#### **D. PROPOSED DEVELOPMENT AGREEMENT**

Beginning with the January 11, 2006 Commission hearing, the applicant had revised their proposed text amendment to include the ability to enter into a development agreement with the City as an alternative to the TC-MU retail commercial use restriction. Over the course of several hearings, the Commission considered a draft development agreement as envisioned by the proposed text amendment to develop a parcel in the TC-MU zone in the former Progress Quarry. At the March 8, 2006 hearing, the Commission voted 7-0 to recommend denial of the proposed development agreement.

This current proceeding before the City Council is an appeal of the text amendment, not the development agreement. The Commission's recommendation on the development agreement is not before the City Council and any discussion on the development agreement would not be relevant to this appeal of the Commission's recommendation for the text amendment application. Staff recommend that the Council not entertain any discussion on the matter of the development agreement. However, since the matter of the text amendment and the development agreement were intertwined before the Planning Commission, the Council will read the Commission's record which contain materials on the proposed development agreement.

#### **E. STAFF RECOMMENDATION(S)**

Staff offer the following recommendation for the June 12, 2006 public hearing for APP 2006-0001:

1. Receive the applicant's and appellant's testimony on the appeal of the Planning Commission's recommendation to approve the text amendment.
2. Deliberate the proposed text amendment considering all testimony, the facts and findings presented in the staff reports to the City Council and Planning Commission, and issues identified by the Council or the public.
3. Direct the City Attorney to prepare an ordinance adopting the text amendment recommended for approval by the Planning Commission.

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# **EXHIBIT B**

**LETTER OF APPEAL DATED MARCH 31, 2006 WITH  
EXHIBITS**

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Friday, March 31, 2006

0-11-0600 1:04 PM

Mr. Steven Sparks  
Development Services Division  
City of Beaverton  
PO Box 4755  
Beaverton, OR 97076

**SUBJECT: Appeal for Case File Number TA2004-0012 Town Center Multiple Use Zone – Use Restrictions**

Dear Mr. Sparks:

The purpose of this letter is to formally appeal the Planning Commission's recommendation regarding TA2004-0012 Town Center Multiple Use Zone – Use Restrictions.

Kim Levin shall be designated as the contact representative for all pre-appeal hearing contact with the City.

We would like to reference the written testimony we provided regarding this issue as evidence of our position being contrary to Planning Commission's recommendation.

- Letter dated January 19, 2006 from Kim Levin (Exhibit 6.22)
- Letter dated February 9, 2006 from Kim Levin (Exhibit 6.27)
- Letter dated November 4, 2005 from Sarah Yahna (Exhibit 6.2)
- Letter dated February 13, 2006 from Sarah Yahna (Exhibit 6.32)

In addition, we would like to make reference to oral and written testimony provided by a number of other concerns citizens, including (but not limited to):

- Letter dated February 13, 2006 from Randy Geller (Exhibit 6.30)
- Letter dated February 13, 2006 from Christina Geller (Exhibit 6.29)
- Letter dated February 15, 2006 from Jeffrey L. Kleinman (Exhibit 6.50)
- E-mail dated January 5, 2006 from Michelle and Tim Burkhart (Exhibit 7.6)

At a minimum, the proposed Text Amendment has failed to meet the approval criteria set forth in Section 40.85.15.1C as follows:

**Criterion #3:** The Text Amendment undermines the goals and intent of the Metro Town Center concept by enabling a loophole to otherwise reasonable and appropriate zoning. The purpose of the loophole is to allow development of "big box" stores accompanied by seas of automobiles. Minimal regard is made to local use and pedestrians. Therefore, the proposed Text Amendment is not consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Criterion #4: The Text Amendment would allow for any number of scenarios that are not consistent with the City's Comprehensive Plan. Specifically, the proposed Text Amendment does not show consistency with the policies and actions listed to support Goals 3.5.1 and 3.7.1 in the Comprehensive Plan.

Criterion #6: The Text Amendment application failed to demonstrate compliance with the Teufel Ordinance (Cedar Mill Town Center).

In addition, the proposed Text Amendment is not consistent with the Purpose stated in Section 40.85.05 because it does not reflect changing community conditions, needs, or desires. In fact, the community has very strongly expressed support for the TC-MU code as it is written.

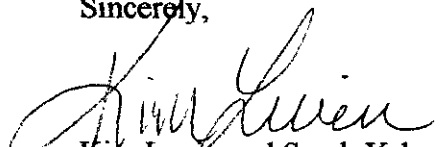
We are extremely concerned that approval of the proposed Text Amendment would create too much uncertainty and does not ensure processes for public notification and involvement in the Development Agreement process. The proposed Text Amendment is very nebulous and opens the door for many unfavorable scenarios.

In summary, we believe the TC-MU code is appropriate as it is written and the proposed Text Amendment is not warranted, necessary or helpful. The TC-MU code protects the interests of the community while still providing a means for a successful development. The applicant has not proven that the Text Amendment meets the specified criteria and we would like to see the Text Amendment application denied.

We would like to reserve the right to augment this appeal to more fully build our position and would suggest that we would have two weeks from the notice that this appeal has been accepted to do this.

Thank you for your consideration of this appeal.

Sincerely,



Kim Levin and Sarah Yahna



Kim Levin  
12417 SW Sheldrake Way  
Beaverton, OR 97007

Sarah Yahna  
12450 SW Harlequin Drive  
Beaverton, OR 97007

Enclosures:  
Land Use Decision Appeal Application  
Exhibits: 6.2, 6.22, 6.27, 6.29, 6.30, 6.32, 6.50, 7.6  
Appeal Fee of \$1,276.00

(Exhibit 6.2)

November 4, 2005

Subject: Gramor Development at Progress Quarry

Dear Mr. Sparks,

The purpose of this letter is to express my sincere concern about the proposed changes to the existing zoning for the Progress Quarry site North of Barrows Road.

I am strongly opposed to the building of a "big box" store, such as Fred Meyer, at this location for a number of reasons.

The presence of a "big box" store does not fit in with the vision of a "Town Center" concept for this location. This area is surrounded by suburban homes, and a large store like Fred Meyer would severely impact the neighborhood and community feeling that currently exists.

It is my understanding that an in-depth study considering many factors, including both residential and commercial perspectives, ultimately concluded that the "Town Center" concept would strike the most appropriate balance, and I agree with that conclusion.

I have seen many other commercial developments that have been successfully implemented with the "Town Center" concept, and I would like to see this vision carried through on the Progress Quarry site.

This location should be developed to be pedestrian friendly and should serve as a resource to the local community. I live within walking distance of the site, and I would very much like to be able to walk or ride my bike there, and not be concerned about a sea of cars and traffic.

If you have not received a significant amount of feedback from concerned citizens like myself, I can assure you it is not because they are few in numbers. Many residents think that this is a "done deal" and that it is too late to do anything about it. It is my understanding that this is not a "done deal" and that it is not too late to express real concern about potential changes to the zoning for this area.

I very much appreciate your consideration of my position on this issue.

Sincerely,  
Sarah Yahna

January 19, 2005

RECEIVED  
JAN 20 2006  
COMMUNITY DEVELOP DEPT.

EXHIBIT 6.22

Dear Mr. Sparks,

I live in the Windsor Park neighborhood that sits between Scholls Ferry Road and Barrows Road. I have read the article in the paper this morning regarding Fred Meyer, and it just confirms my belief that the City's original vision for this site was right on track.

I believe the City of Beaverton made the right choice when trying to create a Town Center that is pedestrian friendly and provides services to the local community. This is an opportunity for the city to do what is right for the community and continue with the original mission and goal of a Town Center. The developer has known from the beginning what the city had planned for this area. Their interests are purely financial. The residents in this area are relying on the city to support the best choice for the community.

In the article a woman from Sexton Mountain is quoted as saying "we need a Fred Meyer". These are exactly the people who want Fred Meyer - "outsiders" driving into the community. I'm sure people in King City, Tualatin, parts of Tigard (not Bull Mountain) and other areas would enjoy seeing a Fred Meyer. This goes against the goal of a Town Center. It is clear to me that allowing Fred Meyer would be ignoring the needs of the community and the original intention of the City to make this a pedestrian/bike friendly community.

There is simply nothing to be gained by the city to honor this text amendment application. Please encourage the commission to support the right choice and hold up what the city has planned for this area. This is an opportunity to make a difference in the future of this area and send a message to developers that Beaverton cares about their communities and residents.

Sincerely,



Kim Levin  
12417 SW Sheldrake Way  
Beaverton, OR 97007  
503-524-9472  
Levin4@verizon.net

February 9, 2006

~~RECEIVED~~

~~FEB 10 2006~~

EXHIBIT 6.27 ~~COMMUNITY DEVELOP DEPT.~~

Steven A. Sparks, AICP  
Development Services Manager  
Community Development Department  
City of Beaverton  
P.O. Box 4755, Beaverton, OR 97076-4755

~~RECEIVED~~

~~FEB 13 2006~~

Dear Mr. Sparks and Commission Members,

~~COMMUNITY DEVELOP DEPT.~~

I attended the hearing on February 8<sup>th</sup> regarding the proposed Text Amendment and Development Agreement. I did not get a chance to speak. I have an email interest group of 57 contacts that I communicate with regarding the development at Progress Ridge, and I distributed hundreds of flyers (along with my neighbors) prior to this meeting.

I have talked with many people in our area about this issue. I can count the residents in favor of such a store on one hand. So many people have a passionate concern for what is going on in their community, but they feel their voice means very little and that the City will do whatever they want. The residents feel as though their concerns will not be taken seriously, so they do not write letters or attend meetings. **Please prove them wrong.** I know you heard many concerns about the development expressed last night, the predominant one being traffic. I could not care less what the site looks like. What the site will bring to and take away from the community is my concern. I have no doubt that Gramor will deliver a product with a quality appearance. **The product, however, does not fit in this community.**

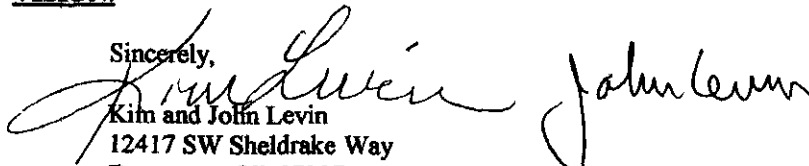
One of my favorite excerpts from last night was the gentlemen talking about following a school bus along Barrows Road. He's so correct. You don't see a school bus on highway 99, or Highway 8, etc. Progress Ridge sits in a cluster of neighborhoods. It is not fed by a major highway or freeway. A store of this size does not belong here. If you have not visited our area and driven through the neighborhoods that surround this site, then you must do so before making a decision. I feel confident that when you see what we are faced with you will make the right choice. You need to look at how people from 2-½ miles (and more) away will get to the site. From Scholls Ferry they will turn left onto 158<sup>th</sup> and go thru the Windsor Park neighborhood - why go all the way down to meet Barrows when it turns into Loon. The shortcut thru a neighborhood will be their first choice. From the Bull Mountain area and points beyond they will trickle down through the neighborhoods that border Barrows. Roshak is already used by many as a "short cut". Can you imagine what the increased traffic will do to all of these neighborhoods? **Put yourselves in our houses.**

Last night the applicant said they had met with many neighborhood groups and associations. Do you know that not one of those groups mentioned sits directly around the site? Of course people in other parts of Beaverton would welcome a beautiful development such as this. They will be traveling from more than 2-½ miles away, and their homes and neighborhoods will not be affected. My kids would love to ride their bikes to Albertsons or TCBY, but I can't let them because the roads are too busy and there is no continuous sidewalk from 158<sup>th</sup>/Scholls Ferry down to the Murray Scholls Town Center. I had been looking forward to letting them ride to the Progress Ridge development, but now do not think that will be possible with the potential influx of traffic under the current proposal.

I understand that the 50,000 square-foot foot print might be too small for an anchor, but why can't there be some middle ground? Just because Fred Meyer doesn't build stores of 65,000 - 75,000 square feet doesn't mean we should suffer. Why does it *have* to be a Fred Meyer? I think the applicant made a mistake by assuming they could change the code, when in fact they should have tried to work within it from the beginning.

Please listen to the people who are relying upon you to make the right choice for their community. This is an opportunity to show people that the public hearing process works and community involvement is important and meaningful. The commission has a very difficult task at hand. The decision made here will shape the future of this area and affect the livability for the citizens you represent. I have seen for myself that Gramor has the best sales people money can buy, and I'm sure you will get quite a performance on March 8<sup>th</sup>. They will have their attorney, their consultants, their staff members, Mr. Fred Meyer, and perhaps a powerpoint presentation - **but please don't be swayed**. The citizens can't compete with such a "show". We can only tell you that from the bottom of our hearts this is not the right choice for our community. I hope we can count on you to represent our community and make the best decision for these citizens of Beaverton. In closing, please remember you are the CARETAKERS of THIS COMMUNITY'S VISION.

Sincerely,

  
Kim and John Levin  
12417 SW Sheldrake Way  
Beaverton, OR 97007  
503-524-9472

February 13, 2006

Beaverton Planning Commission  
Attn: Steven A. Sparks  
4755 SW Griffith Dr.  
Beaverton, OR 97005

RECEIVED  
FEB 14 2006  
COMMUNITY DEVELOPMENT DEPT.

EXHIBIT 6.29

Dear Mr. Sparks,

I am very concerned about an attempt by Gramor Development to amend the text of the Murray Scholls Town Center (or Town Center Multiple Use [TC-MU]) code and I would like to formally declare my opposition to the amendment. I also want to voice my opposition to any attempt by a big box retailer or their representative developer to amend the TC-MY code so that it provides a means to build on a TC-MU site without the restriction of the existing code due to the developer's self-assessed opinion on the definition of economic viability as it relates to the TC-MU designated sites. That is, any amendment to the code allowing for an "escape clause" must be very strictly controlled such that the burden of proof required for the consideration of any such exception to the present spirit and letter of the code be reasonably thorough and unbiased as determined by the Planning Commission. This burden of proof must show that all reasonable avenues of development have been explored within the restrictions of the code and found economically untenable.

Also, in my review of the Planning Commission's Staff Report on the request for a text amendment by Gramor Development I am disturbed by what I see. It is not difficult to ascertain from the request that Gramor Development opposes the Murray Scholls Town Center vision both in spirit and in letter. It appears that this opposition is further fueled by the desires of their client, Kroger/Fred Meyer, who would very much like to construct a "big box" department store on the Progress Quarry site. Gramor Development is acting primarily on behalf of their client and their own financial gain. That is not bad, per se, but it is the responsibility of citizens, the Planning Commission, and the City to ensure that the present vision of the Murray Scholls Town Center and its strategic place in the Metro 2040 Growth Concept are not lost simply because one developer and their client find the code too restrictive.

I fully expect to see the Progress Quarry site developed according to the TC-MU code as it exists today. I truly appreciate the effort and accomplishment of the Murray Scholls Town Center Planning Advisory Committee and the Planning Commission, and I look forward to enjoying the benefits of the spirit of this vision carried out at the Progress Quarry site.

In case the Planning Commission is somehow persuaded to accommodate the request of Gramor Development, I would then ask that no construction start until both the Murray Road and the Davies Road extensions are completed. The eastern Barrows Road & Scholls Ferry Road intersection cannot presently handle the local traffic adequately



during peak and non-peak hours. For example, many cars attempting to turn left from Scholls Ferry road onto Barrows Road at that intersection are often left in precarious positions or are compelled to move their car to restricted positions (warranting citation) to be out of harm's way or to keep from obstructing traffic on Scholls Ferry. It is questionable whether Barrows Road could adequately accommodate both the local traffic and the non-local traffic generated by a big-box store even if the road extensions are completed, but I would ask that the Planning Commission at least delay any such construction pending the aforementioned improvements.

Needless to say, there will be a large number of neighborhood residents negatively impacted by the increased neighborhood traffic flow that would occur as non-local shoppers find more expedient routes to their closest regional Fred Meyer Superstore. Many people would come from King City, Sherwood, and the east and south sides of Bull Mountain through the neighborhood streets to reach their destination.

Additionally, I watched a very disturbing news story the other day where it exposed the serious nature of overnight camping that occurs in vehicles and vans in the parking lots of super stores like the one proposed. It highlighted Wal-Mart, Target, and Fred Meyer Stores where law enforcement were arresting individuals for illegal drug possession, drug dealing, and mobile methamphetamine labs. Just the thought of this occurring in our own back yards and exposing that threat to our children was extremely alarming.

Again, I ask that the Planning Commission seek to preserve the vision of the Murray Scholls Town Center text as amended in 1999 without materially significant change unless all reasonable avenues of compliance have been explored and found untenable by the Planning Commission.

Yours truly,



Christina Geller  
12490 SW Harlequin Drive  
Beaverton, OR 97007  
Phone: 503-590-0897  
Email: ttty42@comcast.net

February 13, 2006

Beaverton Planning Commission  
Attn: Steven A. Sparks  
4755 SW Griffith Dr.  
Beaverton, OR 97005

RECEIVED  
FEB 14 2006  
COMMUNITY DEVELOPMENT DEPT.

EXHIBIT 6.30

Dear Mr. Sparks,

I am very concerned about an attempt by Gramor Development to amend the text of the Murray Scholls Town Center (or Town Center Multiple Use [TC-MU]) code and I would like to formally declare my opposition to the amendment. I also want to voice my opposition to any attempt by a big box retailer or their representative developer to amend the TC-MY code so that it provides a means to build on a TC-MU site without the restriction of the existing code due to the developer's self-assessed opinion on the definition of economic viability as it relates to the TC-MU designated sites. That is, any amendment to the code allowing for an "escape clause" must be very strictly controlled such that the burden of proof required for the consideration of any such exception to the present spirit and letter of the code be reasonably thorough and unbiased as determined by the Planning Commission. This burden of proof must show that all reasonable avenues of development have been explored within the restrictions of the code and found economically untenable.

Also, in my review of the Planning Commission's Staff Report on the request for a text amendment by Gramor Development I am disturbed by what I see. It is not difficult to ascertain from the request that Gramor Development opposes the Murray Scholls Town Center vision both in spirit and in letter. It appears that this opposition is further fueled by the desires of their client, Kroger/Fred Meyer, who would very much like to construct a "big box" department store on the Progress Quarry site. Gramor Development is acting primarily on behalf of their client and their own financial gain. That is not bad, per se, but it is the responsibility of citizens, the Planning Commission, and the City to ensure that the present vision of the Murray Scholls Town Center and its strategic place in the Metro 2040 Growth Concept are not lost simply because one developer and their client find the code too restrictive.

I fully expect to see the Progress Quarry site developed according to the TC-MU code as it exists today. I truly appreciate the effort and accomplishment of the Murray Scholls Town Center Planning Advisory Committee and the Planning Commission, and I look forward to enjoying the benefits of the spirit of this vision carried out at the Progress Quarry site.

In case the Planning Commission is somehow persuaded to accommodate the request of Gramor Development, I would then ask that no construction start until both the Murray Road and the Davies Road extensions are completed. The eastern Barrows Road & Scholls Ferry Road intersection cannot presently handle the local traffic adequately

during peak and non-peak hours. For example, many cars attempting to turn left from Scholls Ferry road onto Barrows Road at that intersection are often left in precarious positions or are compelled to move their car to restricted positions (warranting citation) to be out of harm's way or to keep from obstructing traffic on Scholls Ferry. It is questionable whether Barrows Road could adequately accommodate both the local traffic and the non-local traffic generated by a big-box store even if the road extensions are completed, but I would ask that the Planning Commission at least delay any such construction pending the aforementioned improvements.

Needless to say, there will be a large number of neighborhood residents negatively impacted by the increased neighborhood traffic flow that would occur as non-local shoppers find more expedient routes to their closest regional Fred Meyer Superstore. Many people would come from King City, Sherwood, and the east and south sides of Bull Mountain through the neighborhood streets to reach their destination.

Additionally, I watched a very disturbing news story the other day where it exposed the serious nature of overnight camping that occurs in vehicles and vans in the parking lots of super stores like the one proposed. It highlighted Wal-Mart, Target, and Fred Meyer Stores where law enforcement were arresting individuals for illegal drug possession, drug dealing, and mobile methamphetamine labs. Just the thought of this occurring in our own back yards and exposing that threat to our children was extremely alarming.

Again, I ask that the Planning Commission seek to preserve the vision of the Murray Scholls Town Center text as amended in 1999 without materially significant change unless all reasonable avenues of compliance have been explored and found untenable by the Planning Commission.

Yours truly,

A handwritten signature in black ink, appearing to read "Randy Geller", with a long horizontal flourish extending to the right.

Randy Geller  
12490 SW Harlequin Drive  
Beaverton, OR 97007  
Phone: 503-590-0897  
Email: nwgish@comcast.net

February, 13 2006

Beaverton Planning Commission  
Attn: Steven A. Sparks  
4755 SW Griffith Dr.  
Beaverton, OR 97005

Dear Mr. Sparks,

The purpose of this letter is to present to you and the Planning Commission my concerns and position regarding Gramor's proposed Text Amendment for the Progress Ridge site north of Barrows Road.

I am not an activist; I am simply a very concerned citizen of the City of Beaverton. I am also very reasonable. My concerns are very real and very valid, and these concerns are shared by **many** members of my neighborhood and surrounding community.

Gramor would like you to believe that my concern (the community's concern) is simply the aesthetics. **This is not the issue.** Many of us attended the Planning Commission meeting on February 8<sup>th</sup>. We have seen the pretty pictures and proposed "faux rooftops" and **we still do not want to see the proposed Text Amendment approved.**

The real issues are much more serious than the appearance of the buildings and landscaping. Let's consider two important issues: traffic and community.

#### Traffic

Gramor's traffic engineer provided a very simplified explanation that the overall square footage of retail space is what will drive the volume of traffic – not how that space is divvied up. Common sense tells us that this is not true. A store the size of the proposed Fred Meyer will need to draw customers from a much larger radius than originally anticipated in order to be "successful". A series of smaller stores can all be successful without drawing the same amount of traffic. Many traffic engineering experts would agree that the type and size of the anchor store does matter and can definitely impact the number of trips generated. We should not allow this point to be over-simplified.

#### Community

A pedestrian friendly town center is a financially viable solution for Progress Ridge, and it is one that will promote a sense of community. One argument presented by Gramor is that the proposed Fred Meyer will provide 8-10 essential community services. This is in direct conflict with the Town Center vision. We do not want a single retailer providing 8-10 "essential services". This is not in the spirit of the TC-MU code. We would like to support smaller businesses and see those services provided by different retailers – not by a "mega" Fred-Meyer. The anchor store should not be so large and all-encompassing that it contradicts the overall vision for the community.

It is my understanding that the only somewhat convincing argument put forth by Gramor is that the center cannot be financially viable without an anchor tenant. As a reasonable person, I can agree with this position – in general. But let's talk details. As it is written, **the Town Center code allows for such an anchor tenant** – not to exceed 50,000 square feet. Gramor's proposal would more than TRIPLE this size! This is simply unacceptable. Keep in mind that the Albertson's on Barrows and Walnut is less than 40,000 square feet.

There are many examples of successful developments where the anchor store is not enormous. I will gladly consider supporting a request for a variance to the code that grants a reasonable amount of additional space – perhaps 75,000 square feet. Perhaps more. But to jump from 50,000 square feet to 172,000 square feet is not necessary and would be detrimental to our community.

There is another way – a better way. But due to Gramor's commitment to their client, Fred Meyer, they will not consider another way. **Gramor is not in a position to make a decision that is best for our community.** Gramor's job is to make money and support their client. Gramor's interests do not consider what is truly best for the neighborhood, the community, the City of Beaverton. It is our job to ensure our interests are protected – a developer will not do this for us!

Our plea to you and to the Planning Commission is that you insist Gramor find the "middle ground". Gramor has not done due diligence by pursuing solutions that would more closely adhere to the TC-MU code.

The purpose of a Text Amendment should be to allow for an alternative IF it is what is best for the community – IF the community supports it. The community does not support this effort, and therefore the Text Amendment should not be allowed. We should only "bend the rules" if it's what the citizens of Beaverton want and support, only if it is what is best for our community, not just because it is best for a developer and their client.

Gramor's argument seems to be that the only way for this center to be successful is to have a huge anchor store. But there are other options. A moderately sized anchor store, such as a New Seasons or Zupan's, could be very successful at this location. There are numerous other options, as well. Even a moderately sized Fred Meyer could be very successful. **Success for the community as a whole should be our goal.** Where is the balance?

Unfortunately, we do not have the funding to pay for a traffic study or a development analysis that would support our position. This does not mean Gramor is right and we are wrong. It only means that Gramor has money and resources to hire the experts they need to support their position. I am certain that a number of independent experts would agree with my position – there are numerous real world examples to support it.

One example I am familiar with is DC Ranch Marketplace in Scottsdale, AZ. Clearly there are differences between Scottsdale and Beaverton – so it is not a direct comparison. But the spirit of the Town Center is achieved very well at DC Ranch Marketplace. The

anchor store is Safeway and the center is extremely viable and well-loved by the community. <http://www.dcranch.com/marketstreet/index.php>

If Fred Meyer is not interested in building a reasonably sized anchor store at Progress Ridge, then they should consider a different location for their "flagship" store. A store of this size does not fit in this location.

In summary, I am willing to concede that perhaps the TC-MU code does not perfectly account for the needs of the Progress Quarry development today, but I am not convinced that a 172,000 square foot Fred Meyer is our only option. Yes, by definition, any successful tenant will draw traffic. I understand that. But the amount of traffic and the sea of parking, and impact that a single store of this size will have on our community are not acceptable.

Thank you for listening. Please help to make our efforts worthwhile.

Sincerely,



Sarah Yahna  
12450 SW Harlequin Drive  
Beaverton, OR 97007  
(971) 222-3624

**JEFFREY L. KLEINMAN**

Attorney at Law  
The Ambassador  
1207 S.W. Sixth Avenue  
Portland, Oregon 97204

**EXHIBIT 6.50**

Telephone (503) 248-0808  
Fax (503) 228-4529

**FACSIMILE MESSAGE**

DATE: February 15, 2006 TIME: 4:15 p.m.  
TO: Steven Sparks  
FAX: (503) 526-3720  
FROM: Jeffrey L. Kleinman, Esq.  
PAGES: -6- (Including Cover)

\*\*\*\*\*

Re: TA 2004-0012

Comments: Please place this memorandum in the above case file.

If you do not receive all the pages clearly, please call (503) 248-0808. Thank you.

UNLESS OTHERWISE INDICATED, THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INFORMATION PROTECTED BY THE ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT PRIVILEGES. IT IS INTENDED ONLY FOR THE INDIVIDUAL NAMED ABOVE, AND THE PRIVILEGES ARE NOT WAIVED BY VIRTUE OF THIS HAVING BEEN SENT BY FACSIMILE. IF THE READER OF THIS FACSIMILE, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE NAMED RECIPIENT, IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO ME AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. YOU WILL BE PROMPTLY REIMBURSED FOR THE TELEPHONE AND POSTAGE EXPENSE. THANK YOU.

JEFFREY L. KLEINMAN  
ATTORNEY AT LAW  
THE AMBASSADOR  
1207 S.W. SIXTH AVENUE  
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808  
FAX (503) 228-4529

EXHIBIT 6.50

RECEIVED

FEB 15 2006

City of Beaverton  
Development Services

## MEMORANDUM

To: Beaverton Planning Commission  
From: Jeffrey L. Kleinman  
Date: February 15, 2006  
Re: TA 2004-0012 (TC-MU Commercial Restriction)

### L. Introduction

This memorandum is submitted on behalf of Save Cedar Mill, Inc. ("SCM"), in opposition to the above text amendment as it affects the Teufel Nursery/Cedar Mill Town Center site, the larger site within the TC-MU zoning district. SCM has members throughout the Cedar Mill area who would suffer practical effects and be directly harmed by development pursuant to the proposed text amendment, including but not limited to impairment of the their property values resulting from increased traffic and from development with lower aesthetic and community values than that called for by the current zoning standards.

We have reviewed the "Narrative in Support of Application" filed by the applicant. We believe it gives short shrift to the applicable criteria, and that the applicant has wholly failed to



meet its basic burden of proof under those criteria. This is especially true as to the Cedar Mill Town Center. In this regard, we will address key relevant criteria in sequence, as set out in the applicant's narrative.

adequate levels of public services.

## **II. BDC 40.185.15.1.C.4 – Compliance With The Beaverton Comprehensive Plan**

BDC 40.185.15.1.C.4 requires an applicant for a text amendment to demonstrate compliance with Beaverton's Comprehensive Plan. The applicant fails to show compliance with Goal 3.5.1, Policy "a", to ensure compact urban development at the Cedar Mill Town Center by means of newly permitted big box stores. The applicant has also failed to show compliance with the elements of Policy "b" for this site, at pages 17-18 of its narrative.

The same is true with respect to Policies "c" (Actions 1- 4), Policy "f" (Actions 1-3) and Policies "g", "h", and "i", discussed at pages 18-21 of the applicant's narrative. There is no proof of compliance with the criteria in question, with particular regard to the Cedar Mill Town Center.

Goal 3.7.1 requires that town centers develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map. Policy "a" requires new development in town centers to be regulated to provide an integrated mix of land uses accessible to pedestrians and bicyclists, as well as those who drive. As set forth above, the applicant has failed to provide any such assurance with respect to the Cedar Mill Town Center. The type of big box development allowed if not encouraged by the proposed text amendment flies in the face of the above policy. The applicant has simply failed to show how, under the proposed text amendment, town center development can be regulated in the required manner, in particular as to the Cedar Mill Town Center. Action 2 requires the City to consider the prior Washington County Plan for

the Cedar Mill Town Center in preparing its own community plan following annexation. With respect to this site, the applicant has failed to address and the City has failed to consider the Transit Oriented -Retail Commercial Zoning which applied to the site when it was within the county's jurisdiction. The allowance of big box development fully contradicts the purpose and requirements of the county's zoning.

With respect to the Public Facilities and Services Element of the comprehensive plan, the applicant states that "[p]ublic services are sufficiently developed to serve the Town Center designated areas as intended." In point of fact, there is no proof whatsoever to support the applicant's statement, especially with regard to the Murray Hill Town Center. The same is true with respect to the applicant's discussion of the Transportation Element, including Goal 6.2.2 requiring adequate circulation into and out of neighborhoods.

Similarly, with respect to the Economy Element of the comprehensive plan, the applicant has failed to discuss how compliance would be achieved with respect to the Cedar Mill Town Center.

### **III. BDC 40.185.15.1.C.4 – Compliance With Other Criteria**

Finally, the applicant suggests that BDC 40.85.15.1.C.6, which requires the proposed text amendment to be "consistent with all applicable City ordinance requirements and regulations," is satisfied. The applicant summarily states that the "Teufel Ordinance" is satisfied pursuant to the brief and summary discussion at pages 27-28 of the narrative. This is simply not the case. The applicant has failed to provide actual evidence demonstrating compliance with any of the following criteria under Section 3 of the Teufel Ordinance:

- 2. Providing the public with more certainty regarding future development of the property. The public has had a reasonable level of certainty under the preexisting square footage limits. Blowing those limits sky high provides a substantially lesser level of certainty.
- 4. Developing a plan that will produce a high degree of urbanism on the property. In point of fact, the proposed amendment would produce a high degree of suburbanism; the applicant has failed to show how this would not be the case.
- 5. The applicant has not identified and located a vehicular and pedestrian circulation system under the proposed amendment.
- 8. The applicant has failed to show how development would be focused around an identifiably public place such as a park, square, or plaza.
- 9. The applicant has failed to show how the proposed amendment would result in the integration of different uses on the site.
- 10. The applicant has failed to show how the proposed amendment would result in the development of an off-street pathway and trail system relating to surrounding neighborhoods.
- 12. The applicant has failed to identify how the site will access the surrounding arterial system, including the required examination of extending Leahy between the site and Cedar Hills Blvd.
- 13. The applicant has failed to show how, with respect to the identified study area, the north-south collector will be designed and aligned to integrate with

development on the site and provide for appropriate sidewalk widths to assure an urban, pedestrian friendly community.

For the above reasons, the proposed text amendment must be denied.

Respectfully submitted,

---

Jeffrey L. Kleinman, OSB #74372  
Attorney for Save Cedar Mill, Inc.

**Steven Sparks**

**From:** Michelle.Burkhart@CH2M.com  
**Sent:** Thursday, January 05, 2006 9:10 AM  
**To:** Steven Sparks  
**Subject:** Public comment - TA 2004-0012 (TC-MU Commercial Restriction)

**EXHIBIT 7.6**

Steven - thanks for your time yesterday in explaining the status of this proposed action. Please incorporate the following into the public comment presented to the Planning Commission for next Wednesday's meeting:

The proposed change to the Development Code should be denied. As described in the Staff Report dated April 13, 2004, the Town Center Multiple Use zoning designation was developed and incorporated into City Code through an extensive, collaborative planning process between the City of Beaverton and Metro. This process focused on long range goals for future growth and community livability. The proposed modification to the Development Code would essentially provide an 'end-around' the carefully planned zoning criteria that was intended to shape the growth of our community in a positive manner. In my opinion, the Town Center Zoning mirrors the concepts successfully implemented in areas of NW, NE and SE Portland, which I believe, represent the attainment of the City of Portland's goals of livability in those areas. Localized services that encourage community cohesion and encourage alternative modes of transportation are key components in my mind to a livable community.

The Town Center Multiple Use zoning requirements SHOULD NOT be modified for a particular developer. The City should hold all developers to the same standard. If a modification to the zoning designation is desired, that modification should occur through a clear and transparent process addressing the problems and shortfalls of the zoning designation, if such are deemed to exist.

With respect to the specific request by Gramor Development to allow for a development in the Progress Quarry area in excess of the maximum 50,000 square feet, I assert that a development of this size is not supportable in the proposed location. Every large, 'big box' store of which I am aware is located on a large, arterial road, if not the intersection of two arterials. The transportation infrastructure that would carry traffic to and from the site are not sufficient to support the volume of traffic that would be generated by such a development. Barrows Road is the only road by which the development would be accessible. Barrows is a two lane road with a single turning lane at intersections. As a homeowner within 3 blocks of the proposed development, I know that this would have a significant negative impact on the safety and character of our neighborhood.

Further, the location of the development is such that the area is highly visible from a large majority of the surrounding neighborhoods. A store with a 2-acre roof, acres of parking, and associated lighting would significantly impair the quality of life, not to mention property values, in the surrounding neighborhoods.

In conclusion, I request that the Planning Commission reject the proposal in its entirety. The modification of the zoning requirements is unnecessary and inconsistent with the goals and intent of the original development of the Town Center Multiple Use zoning designation. If the modifications to the zoning requirement are approved, I strongly encourage the Planning Commission to recommend to the Mayor and City Council that the Development Agreement with Gramor Development, Inc. be denied.

Thank you for your time and consideration.

Michelle and Tim Burkhart  
 12974 SW Creekshire Dr.  
 503-430-1190  
[Michelle.Burkhart@ch2m.com](mailto:Michelle.Burkhart@ch2m.com)

# **EXHIBIT C**

CORRESPONDENCE NEIGHBORS SW NAC

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April 26, 2006

Neighbors SW NAC  
16116 SW Falcon Drive  
Beaverton, OR 97007

Honorable Rob Drake  
City of Beaverton

Dear Mayor Drake,

The Board of Neighbors SW NAC has decided in a unanimous vote that it opposes the Proposed Text Amendment, TA2004-0012, and that it supports the Appeal of the Proposed Text Amendment, TA2004-0012, as submitted by Kim Levin and Sarah Yahna on March 31, 2006.

Warmest Regards,



Bruce Miller  
Chair  
503 808-9404

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MAY 01 2006  
COMMUNITY DEVELOPMENT

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APR 27 2006



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# Neighbors SW NAC Members' Request to Support Appeal of Proposed Text Amendment (TA2004-0012)

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COMMUNITY DEVELOP. DEPT.

035

By signing below, I am confirming my agreement with the following three statements:

1. I am an eligible participant of the Neighbors Southwest NAC.
2. I support the Appeal of TA2004-0012 submitted by Kim Levin and Sarah Yahna on <sup>March</sup> May 31, 2006.
3. I would like to request the Neighbors Southwest NAC formally change its position on the public record regarding this issue so that it opposes the proposed Text Amendment and supports the above mentioned Appeal.

#	DATE	PRINT NAME	SIGN NAME	ADDRESS
1	4/3/06	SARAH YAHNA	Sarah Yahna	12450 SW Harlequin Drive
2	4/03/06	JASON YAHNA	Jason Yahna	12450 SW Harlequin Drive
3	4/3/06	Kim Levin	Kim Levin	12417 SW Sheldrake Way
4	4/4/06	Annie Kubiak	Annie Kubiak	15915 SW Loom Dr.
5	4/4/06	MARK MATISOFF	Mark Matisoff	12135 SW Jaeger Terrace
6	4/4/06	Makiko Matisoff	Makiko Matisoff	12135 SW Jaeger Terrace
7	4/4/06	Mary Walther	Mary Walther	12115 SW Jaeger Ter.
8	4/4/06	Tiffany Poulin	Tiffany Poulin	16250 SW Bobolink St.
9	4/4/06	JOHN	John Poulin	12417 SW SHELDRAKE WAY
10	4/8/06	MARK POULIN	Mark Poulin	16250 SW BOBOLINK ST
11	4/9/06	ONERYL KUWAPKE	Oneryl Kuwapke	16015 SW BOBOLINK ST
12	4/9/06	Andy Kubiak	Andy Kubiak	15915 SW Loom Dr.
13	4/9/06	Nancy Peake-Hopkins	Nancy Peake-Hopkins	12285 SW. 158th Ave. Beav. OR.
14	4/9/06	Greg Hopkins	Greg Hopkins	12285 SW 158th Ave Beav

# Neighbors SW NAC Members' Request to Support Appeal of Proposed Text Amendment (TA2004-0012)

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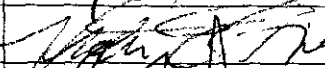
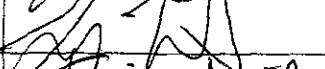
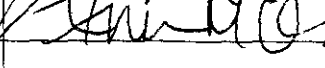
#	DATE	PRINT NAME	SIGN NAME	ADDRESS
15	4/6/06	Victoria & Charles Pontrelli	Victoria Pontrelli	15775 SW Murrelet Dr. Butn OR 97007
16	4/13/06	Tertadian	K. Tertadian	5725 SW Murrelet Dr. Butn 97007
17	4/13/06	Wendy Triem	Wendy Triem	15745 SW murrelet Butn. 97007
18	4/14/06	Lisa DeSimone	Lisa DeSimone	16318 SW Goshawk St. Butn 97007
19	4/14/06	Nancy Elsmore	Nancy Elsmore	16420 SW Blackbird Dr Butn 97007
20	4/15/06	KEITH WYMER	Keith Wymer	12453 SW Sheldrake Way Butn. 97007
21	4/17/06	Joseph L. DiMartino	Joseph L. DiMartino	12524 SW Sheldrake Way 97007
22	4/17/06	LARRY J. MCGUNCHY	Larry McGunchy	12512 SW Sheldrake Way 97007
23	4/17/06	Jane Beyer	Jane Beyer	<del>12548</del> 12548 SW Sheldrake 97007
24	4/17/06	Erley Rabot	Erley Rabot	12401 SW Sheldrake Way 97007
25	4-17-06	Alfredo Rabot	Alfredo Rabot	12401 SW Sheldrake way 97007
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# Neighbors SW NAC Members' Request to Support Appeal of Proposed Text Amendment (TA2004-0012)

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MAY 01 2006  
COMMITTEE DEVELOPMENT DEPT.  
037

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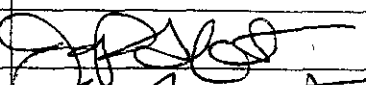


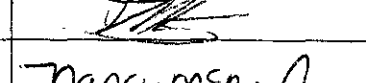
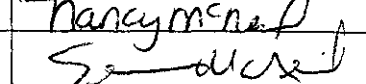
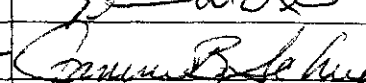
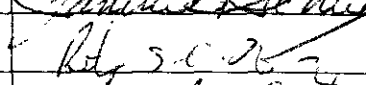
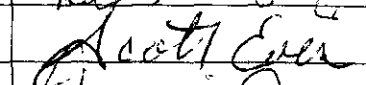
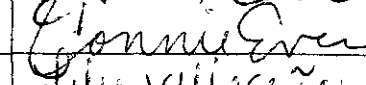
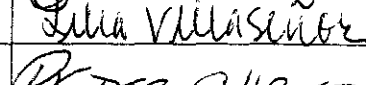
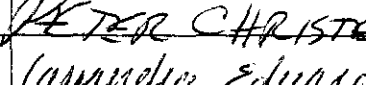



#	DATE	PRINT NAME	SIGN NAME	ADDRESS
43	4/13	Janette McGlinchey	Janette McGlinchey	12512 SW Sheldrake Way Beaverton
44	4/13	Carol Lambert	Carol Lambert	12536 SW Sheldrake Way Beaverton
45	4/13	Tim Lambert		12536 SW Sheldrake Way; Beaverton
46	4/13	Eileen Oppedal	Eileen Oppedal	15925 SW Towhee Lane, Beaverton
47	4/17/06	Euni Wymbs		12453 SW Sheldrake Way, Beaverton
48	4/18/06	Cynthia C. Varadi	Cynthia C. Varadi	12625 SW Harlequin Dr. Beav. OR 97007
49	4/18/06	Denise Ayton	Denise Ayton	12695 SW Harlequin Dr. Beaverton
50	4/18/06	Michael Ayton		12695 SW Harlequin Dr. Beaverton
51	4/18/06	VICKI E. FINK		12305 SW 158TH AVE BEAVERTON 97007
52	4/20/06	Greene Muns		10495 SW 155TH AVE Beaverton
53	4/21/06	Igin Mills		10495 SW 155TH AVE Beaverton OR 97007
54				
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56				

# Neighbors SW NAC Members' Request to Support Appeal of Proposed Text Amendment (TA2004-0012)

830

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#	DATE	PRINT NAME	SIGN NAME	ADDRESS
57	4/14/06	Jaime Proudfoot		15627 SW Sora Ct. Beaverton OR 97007
58	4/14/06	MATI PROUDFOOT		15627 SW SORA CT. BEAV. OR 97007
59	4/14/06	KIM BOTTARO-MORRAY		15644 SW SORA CT BEAV OR 97007
60	4/17/06	Mark Morray		15644 SW SORA CT BEAV OR 97007
61	4/17/06	Nancy McNeil		15638 SW Sora Ct Beaverton OR 97007
62	4/17/06	Sam McNeil		15638 SW Sora Ct. Beav OR 97007
63	4/17/06	JAN SCHUKART		15523 SW Sora Ct Beaverton OR 97007
64	4/17/06	PETER Kowen		15147 SW SORA CT. BEAVERTON OR 97007
65	4/17/06	Scott Evers		15565 SW Sora Ct Beaverton, OR 97007
66	4/17/06	Connie Evers		"
67	4/17/06	Lilya Villaseñor		15633 SW Sora Ct Beaverton, OR 97007
68	4/17/06	Peter Christenson		"
69	4/17/06	Cassandra Edwards		15641 SW SORA CT BEAVERTON, OR 97007
70	4/17/06	JEFF BRYANT		15675 SW SORA CT. BEAV. 97007

# Neighbors SW NAC Members' Request to Support Appeal of Proposed Text Amendment (TA2004-0012)

039

COMMUNITY DEVELOP DEPT.

By signing below, I am confirming my agreement with the following three statements:

1. I am an eligible participant of the Neighbors Southwest NAC.
2. I support the Appeal of TA2004-0012 submitted by Kim Levin and Sarah Yahna on <sup>March</sup> May 31, 2006.
3. I would like to request the Neighbors Southwest NAC formally change its position on the public record regarding this issue so that it opposes the proposed Text Amendment and supports the above mentioned Appeal.

#	DATE	PRINT NAME	SIGN NAME	ADDRESS
71	4/17/06	Veronica Dillashaw	Veronica Dillashaw	15688 SW SORACT BURTIN 97007
72	4/17/06	Donald R. Dillashaw	Donald R. Dillashaw	15688 SW Sora Ct BURTIN 97007
73	4/17/06	Hien Tran	Hien Tran	15684 SW Sora Ln Beaverton 97007
74	4/18/06	Kim Hensen	Kim Hensen	12870 SW Harlequin Dr. Beaverton, OR 97007
75	4/18/06	Mark Kennedy	Mark Kennedy	12860 SW Harlequin Dr BURTIN OR 97007
76	4/18/06	Shelly Kennedy	Shelly Kennedy	12860 SW Harlequin Dr " " "
77	4/19/06	Randy Geller	Randy Geller	12490 SW Harlequin Dr. Beaverton, OR 97007
78	4.19.06	Rana Geller	Rana Geller	12490 SW Harlequin Dr Beaverton 97007
79	4/21/06	Sherry R Bae	Sherry R Bae	12790 SW Harlequin Dr. Beaverton OR 97007
80	4/21/06	Susan Bae	Susan Bae	" " " " 97007
81	4/25/06	Kelley Bodnick	Kelley Bodnick	12435 SW Harlequin Dr. Beaverton, OR 97007
82				
83				
84				

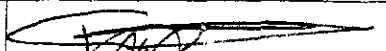


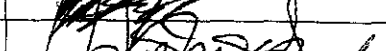
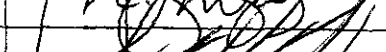

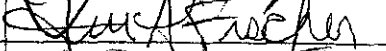
# Neighbors SW NAC Members' Request to Support Appeal of Proposed Text Amendment (TA2004-0012)

040

COMMITTEE DEVELOP DEPT

By signing below, I am confirming my agreement with the following three statements:

1. I am an eligible participant of the Neighbors Southwest NAC.
2. I support the ~~TA2004-0012~~ <sup>March</sup> TA2004-0012 submitted by Kim Levin and Sarah Yahna on May 31, 2006.
3. I would like to request the Neighbors Southwest NAC formally change its position on the public record regarding this issue so that it opposes the proposed ~~Text~~ Amendment and supports the above mentioned Appeal.

#	DATE	PRINT NAME	SIGN NAME	ADDRESS
85	4-11	Ivan Forslund		16010 SW Bobolink St. Beav, Or 97007
86	4-11	ALEX BRINGAS		16035 SW BOBOLINK ST BEAVERTON 97007
87	4-12-06	MIKE FISCHER		16315 SW <del>BOBOLINK</del> BLACKBIRD DR. BEAV 97007
88	4-17-06	MARTA BRINGAS		16035 SW BOBOLINK ST, BEAVERTON 97007
89	4/18/06	SCOTT KLUEMPKER		16015 SW BOBOLINK ST, BEAV 97007
90	4-19-06	JILL FISCHER		16315 SW BLACKBIRD DR BEAV 97007
91	4-19-06	JEFFREY D. PROPHET		12685 SW 158TH TER, Beaverton OR 97007
92				
93				
94				
95				
96				
97				
98				

04.

# MEMORANDUM

## City of Beaverton

### Office of the City Recorder

**To:** Mayor Drake and Councilors  
**From:** Sue Nelson, City Recorder  
**Date:** June 7, 2006  
**Subject:** **Agenda Bill 06105: Appeal of TA 2004-0012**  
**- Exhibits D through S (Planning**  
**Commission Record)**

---

The agenda bill and complete attachments for Agenda Bill 06105 are available for review in the City Recorder's Office on the third floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR. The office is open weekdays between 8:00 a.m. and 5:00 p.m. Due to the size of Exhibits D through S, they were not included with the agenda bill on the Web site.

If you have any questions regarding this item, please call (503) 526-2650.





# MEMORANDUM

*"make it happen"*

**City of Beaverton**

**Community Development Department**

**To:** Mayor Drake and City Council  
**From:** Steven A. Sparks, AICP, Development Services Manager *AS*  
**Date:** June 7, 2006  
**Subject:** *APP 2006-0001 Late Mail Items*

---

Since the publication of the staff report for the June 12, 2006 City Council hearing on the appeal of the Planning Commission's decision to recommend approval of TA 2004-0012, staff have received a number of email correspondence from interested parties. Staff submit the attached email correspondence for the Council's consideration.

Correspondence has been received from:

Kimberly and Chris McDowell dated June 2, 2006  
Steve Hensley dated June 4, 2006  
Jeff McCombs dated June 5, 2006  
Bill Baxter dated June 5, 2006  
Bill Athenas dated June 6, 2006

## Steven Sparks

---

**From:** Kimberly McDowell [kmcowell@relocationcentral.com]  
**Sent:** Friday, June 02, 2006 4:49 PM  
**To:** Steven Sparks  
**Subject:** Case File Number/Project Name APP 2006-0001 (appeal of TA 2004-0012 TC-MU Commercial Restriction)

I am writing this in concern to the above proposed Text Amendment. I do not believe this text amendment is necessary or warranted.

The proposed amendment is too vague and goes against the process of community planning and community involvement. Existing Code requirements should be met for all proposed projects. I support the current code, which promotes a community friendly and pedestrian friendly shopping centers. The developers of the Progress Ridge should focus on creating a shopping center that meets the requirements of the current code and fits into our community.

I support the appeal from our Home Owner's Association (Kim Levin and Sarah Yahna).

Sincerely,

Kimberly and Chris McDowell  
12865 SW Harlequin Drive  
Beaverton

## Steven Sparks

---

**From:** Steve L. Hensley [stevehensley@verizon.net]  
**Sent:** Sunday, June 04, 2006 1:58 PM  
**To:** Steven Sparks  
**Subject:** watermarked stationary.doc

May 4, 2006

Attention Development Services Division  
P.O. Box 4755  
Beaverton, OR 97076

RE: "Case File Number/Project Name: APP 2006-0001(Appeal of the TA 2004-0012 TC-MU Commercial Restriction)"

Dear City of Beaverton,

I am writing this letter to show support for the Town-center Multiple Use (TC-MU) Code as it is currently written, and to express my support for Kim Levin and Sarah Yahma's appeal of the developer's proposed Text Amendment. I believe the developer has not provided sufficient evidence that changing the Code is necessary or beneficial. I am very concerned about the uncertainty the developers proposed Text Amendment introduces, especially the lack of community involvement in future proposed Development Agreements if the Text Amendment is approved. I believe the developer would provide the best and highest use by designing a development that adheres to the TC-MU Code instead of focusing on trying to change the Code.

Again, I am writing to show my support for the Town-center Multiple Use (TC-MU) Code which will provide a pedestrian-friendly development that fits well in our community. Thank you for your attention to this matter, and do not hesitate to contact me if you have any questions.

Sincerely,

Steve Hensley

Address: 12390 SW Harlequin Drive, Beaverton, OR 97007

## Steven Sparks

---

**From:** McCombs, Jeff [Jeffrey.McCombs@PacifiCorp.com]  
**Sent:** Monday, June 05, 2006 3:50 PM  
**To:** Steven Sparks  
**Subject:** TA 2004-0012 TC-MU appeal

Mr. Steve Sparks-

Please include this comment in the testimony in favor of the appeal AGAINST the proposed text amendment to the TC-MU code (TA 2004-0012 TC-MU Commercial Restriction).

I am opposed to the text amendment and am in favor reversing the earlier decision of the Planning Commission on the TA 2004 2004-0012 TC-MU. While I understand that the developer requesting the text amendment is doing so in order to allow for a very large anchor store, I don't believe this practice is in the best interest of development planning. The reason they are looking for a text amendment that would allow a development agreement in lieu of the development code is that the code variances they would require for their current project stray far beyond anything reasonable.

They would, in fact, allow the development to proceed in a fashion that would be entirely contrary to the original vision. It would allow for the construction of a big-box department store with a sea of parking and eliminate the possibility of a true Town Center. I therefore request that the text amendment be repealed.

Thank you,

Jeff McCombs  
16273 SW Becky Lange Court  
Washington County, OR 97223

---

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If you are not the intended recipient, any disclosure, copying, distribution or any action omitted or taken in reliance on it, is prohibited and may be unlawful. If you believe that you have received this email in error, please contact the sender, delete this e-mail and destroy all copies.

---

## Steven Sparks

---

**From:** Baxter, William G [william.g.baxter@intel.com]  
**Sent:** Monday, June 05, 2006 4:54 PM  
**To:** Steven Sparks  
**Subject:** Update: Text Amendment for existing TC-MU zoning code

From:  
Bill Baxter  
15850 SW Towhee Lane  
Beaverton, OR 97007

To:  
Steven A. Sparks, AICP  
Development Services Manager  
Community Development Department  
City of Beaverton

In Reference To: Case File Number/Project Name: APP 2006-0001 (Appeal of TA 2004-0012 TC-MU Commercial Restriction) + Progress Ridge/Progress Quarry

I am writing to you as a concerned member of the Beaverton community (between Scholls Ferry and Barrows) surrounding Progress Ridge/Progress Quarry.

I am concerned that the existing proposal which will allow developers to bypass the TC-MU code as written and enter into a development agreement does not have our community's best interest in mind.

It does not detail what the development agreement requirements are. It does not allow the community to ensure its best interests are being met. It creates a process to allow waiving of particular conditions without agreement from the community, without justification to the community it impacts.

If there is some adjustment that is needed for the viability of TC-MU zones, then that should be agreed upon and the code altered with the specifics in mind and documented. I understand that some areas can be special situations, and we as community should agree on what makes a particular area special and update the code accordingly. I am in strong disfavor with altering the code to allow developers to bypass it. This takes away our power as a community.

The amendment as worded will allow for the code as written to be bypassed removing its power and effectiveness. We should strive to work within the system, and when the evidence has demonstrated that adjustments are needed, then the code should be re-written to reflect those needs.

I have been talking with Kim and Sarah, and I am in strong support of their appeal for the proposed text amendment.

Please feel free to respond with your comments or questions to this e-mail address.

Thanks in advance for listening,  
Bill Baxter  
15850 SW Towhee Lane  
Beaverton, OR 97007

RECEIVED

JUN 06 2006

City of Beaverton  
Development Services

---

**From:** Bill Athenas  
**Sent:** Tuesday, June 06, 2006 10:57 AM  
**To:** Steve Sparks (ssparks@ci.beaverton.or.us)  
**Cc:** Sarah Yahna  
**Subject:** APP 2006-0001 (Appeal of TA 2004-0012 TC-MU Commercial Restriction)

Dear Mr. Sparks,  
Attached is a letter expressing my views regarding the above mentioned text amendment. Please contact me if there is any difficulty in opening the attachment.  
Thank you,  
Bill Athenas

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The information contained in this communication and any attachments is confidential and may be privileged, and is for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please notify the sender immediately by replying to this message and destroy all copies of this message and any attachments. ASML is neither liable for the proper and complete transmission of the information contained in this communication, nor for any delay in its receipt.

RECEIVED

JUN 06 2006

City of Beaverton  
Development Services

To: S. Sparks  
Development Services Division  
City of Beaverton

From: William G. Athenas  
15400 SW Heron Court  
Beaverton, OR 97007  
503-524-5482

Re: Case File Number/Project Name: APP 2006-0001 (Appeal of TA 2004-0012 TC-MU Commercial Restriction)

Dear Sirs:

I am writing to express my opposition to the application by Gramor for a text amendment to the existing Town-Center Multiple Use (TC-MU) zoning code and my full support for the appeal of this amendment that is being brought forth by Kim Levin and Sarah Yahna. I feel that the existing TC-MU best serves our area by being pedestrian friendly and providing neighborhood shopping while avoiding "Big Box" stores. The developer should try to work within the established guidelines rather than trying to circumvent them with the proposed text amendment. The developer has not shown any clear proof that this amendment is necessary or beneficial to the neighborhood.

I am very concerned about the uncertainty that will be introduced to the planning process by the deliberate vagueness of this amendment which does not specify any developer agreement requirements. Finally I am especially concerned and upset that this amendment will specifically exclude any and all input from the citizens of this city with regards to future development. I feel that this is a very dangerous precedent for the city to make and shows the developers utter disregard and contempt for citizen involvement in the city's affairs. If the city approves this amendment they will be showing an equal contempt towards its citizens.

Thank you,  
William G. Athenas

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Public Hearing on Biggi Investment  
Partnership Measure 37 Claim.

**FOR AGENDA OF:** 06-12-06 **BILL NO:** 06106

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** City Attorney 

**DATE SUBMITTED:** 06-08-06

**CLEARANCES:** CDD/Develop Svc 

**PROCEEDING:** Public Hearing

**EXHIBITS:** Map

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

### **HISTORICAL PERSPECTIVE:**

Steve Biggi, the property owner of 3661-3775 SW Hall Boulevard and 3720 SW Cedar Hills Boulevard (also known as TLID#s 1S109DD00105, 00107 and 00109 respectively) has filed a claim for compensation under the provisions of Ballot Measure 37. In the claim, Mr. Biggi states that the City owes Mr. Biggi a total of \$1,767,125.00 for the imposition of land use restrictions on these properties. Specifically, the claim states that imposition of Clean Water Services regulations on the property reduces the value of the property by \$772,125.00 and the imposition of City zoning regulations concerning building orientation, flood plain restrictions, use limitations and sidewalk requirements reduces the value of the property by \$995,000.00. Beaverton Municipal Code Section 2.07.001 et seq. establishes the procedures for processing Ballot Measure 37 claims.

### **INFORMATION FOR CONSIDERATION:**

The City and the Biggis continue to discuss a potential resolution of the Measure 37 claim and need additional time to determine if the claim can be resolved. The Biggis have granted the City additional time, until July 24 to make a decision. The current expiration date is June 24, 2006.

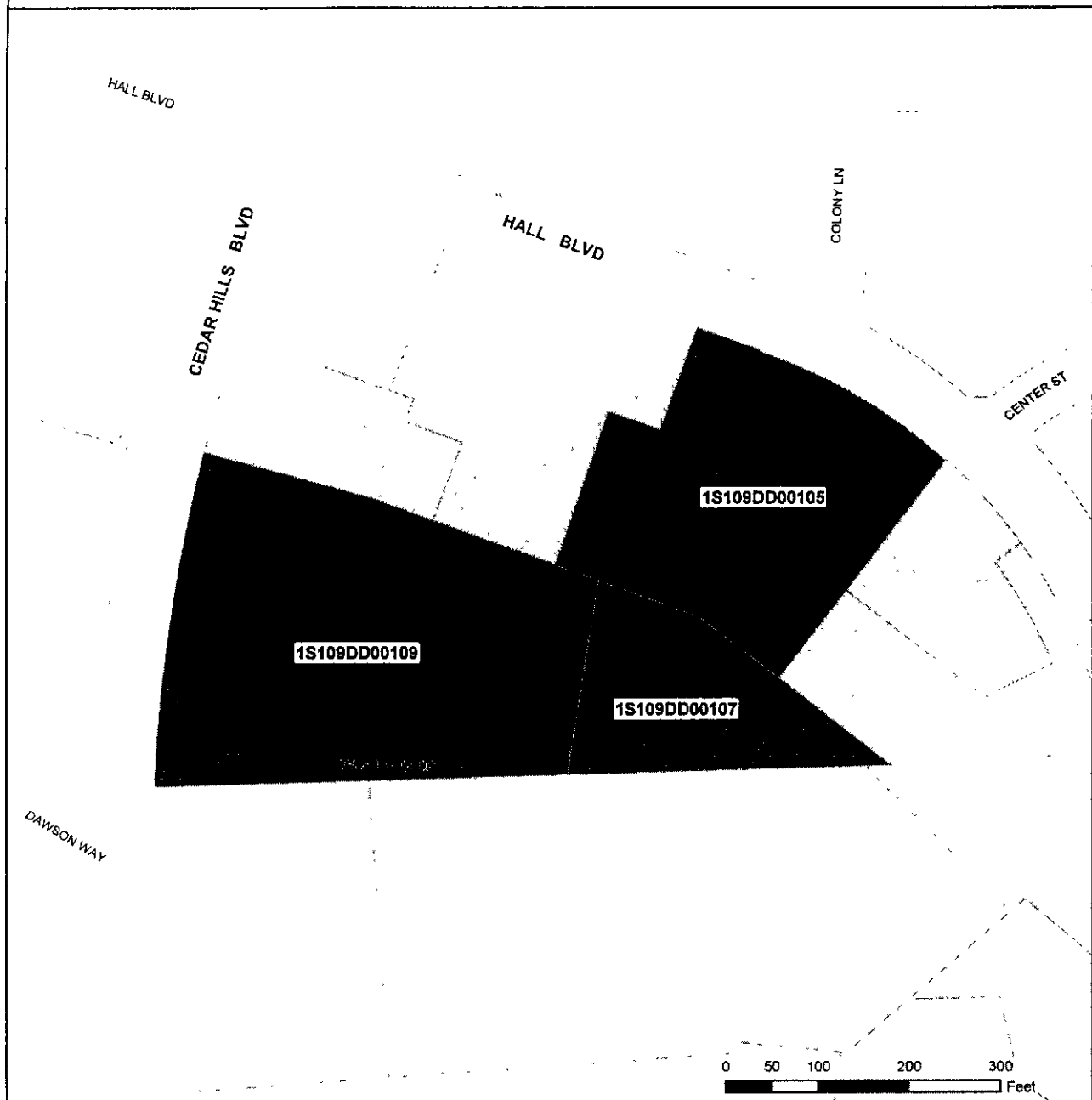
### **RECOMMENDED ACTION:**

Continue this hearing to a date certain of July 17, 2006.



**Exhibit Name: Detail Map**

**Exhibit Number: 1**



**Project: BIGGI BM 37 Claim**

*Department: Community Development  
Division: Development Services*

Date:  
11/21/2005

Map Number:  
1S109DD00105  
1S109DD00107  
1S109DD00109

**N**



**Application #: MS37 2005-0001**

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon


**SUBJECT:** Capital Improvements Plan for Fiscal Years  
2006/07 through 2009/10 for Transportation,  
Water, Sewer, and Storm Drain Projects

**FOR AGENDA OF:** 6-12-06

**BILL NO:** 06107

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:**

Public Works 

**DATE SUBMITTED:**

5-30-06

**CLEARANCES:**

Finance  
City Attorney  
Capital Proj.


**PROCEEDING:** Public Hearing

- EXHIBITS:**
1. Final Draft - *Capital Improvements Plan for Fiscal Years 2006/07 through 2009/10*
  2. Distribution List Draft CIP
  3. Distribution List Adopted CIP

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0*	AMOUNT BUDGETED \$0*	APPROPRIATION REQUIRED \$0*
------------------------------	-------------------------	--------------------------------

\* There is no additional budget impact because the financial plan in the *Capital Improvements Plan for Fiscal Years 2006/07 through 2009/10* is consistent with the City of Beaverton FY 2006/07 budget.

### **HISTORICAL PERSPECTIVE:**

Each year, the City conducts a review of capital project needs, costs, benefits, and priorities for the current year and the following three years and updates the Capital Improvements Plan (CIP). The public is invited to provide input to the CIP process. This hearing is intended to provide an opportunity for the public to comment on transportation, sewer, water and storm drainage projects for FY 2006/07 through FY 2009/10. After assessment of the comments received at this public hearing, the Council may direct staff to revise the CIP.

### **INFORMATION FOR CONSIDERATION:**

The final draft of the *Capital Improvements Plan for Fiscal Years 2006/07 through 2009/10* is attached for Council's review (Exhibit 1). This plan is intended to reflect the Council's current priorities for infrastructure improvements. Nevertheless, the CIP is a dynamic management tool that reflects changing conditions. The Council may choose to change project priorities in response to new information from the public, emergency needs, or new sources of funding.

The financial plan spreadsheets included in this CIP reflect the same capital improvement budget appropriations provided in the FY 2006/07 budget that is scheduled for adoption at the June 19, 2006 Council Meeting. The spreadsheets provide an "at a glance" overview of the projects and their funding resources that are approved by Council as part of the annual budget process. The CIP document also provides project descriptions and drawings for FY 2006/07 projects, project names and funding estimates for FY 2007/08 through FY 2009/10 projects, and finally, a "Needs List" for infrastructure improvements beyond FY 2009/10. The "Needs List" changes frequently as projects are identified through routine maintenance activities or special studies. Note that some of the project budgets for FY 2006/07 are for only one phase of a multi-year project involving design, right-of-way

acquisition and construction. Project phases not included in the FY 2006/07 CIP have been completed in past years or will be completed in future years.

In advance of adoption of the FY 2006/07 CIP budget, a draft of the FY 2006/07 through 2009/10 CIP was distributed on May 12, 2006 to NAC Chairpersons and Board and Committee members for their review (Exhibit 2). Comments received from Council, citizens and staff are reflected in this final draft CIP. Notice of this hearing was published in the *Valley Times* on May 25, 2006 and June 1, 2006.

**RECOMMENDED ACTION:**

1. Hold public hearing and consider public comment on transportation, water, sewer, and storm drain projects.
2. Direct staff to revise the final draft CIP as appropriate.
3. Adopt the final *Capital Improvements Plan for Fiscal Years 2006/07 through 2009/10* with revisions (if applicable) and direct staff to distribute copies to the parties as shown in Exhibit 3.

# City of Beaverton

## Capital Improvements Plan

For Fiscal Years 2006/07 through 2009/10

City of Beaverton  
4755 SW Griffith Drive  
PO Box 4755  
Beaverton, OR 97076-4755

## **Budget Committee and Officers**

Don Walton, Budget Committee Chair

Ian King, Budget Committee

Jose Galindez, Budget Committee

Betty Bode, Council Member

Dennis Doyle, Council Member

Rob Drake, Mayor

Keith Parker, Budget Committee Vice Chair

Randy Blake, Budget Committee

Catherine Arnold, Council Member

Cathy Stanton, Council Member

Bruce Dalrymple, Council Member

## **CIP Executive Review Committee**

Linda Adlard, Chief of Staff

Gary Brentano, Public Works Director

Patrick O'Claire, Finance Director

Rob Drake, Mayor

## **Ex-Officio Members**

Pete Davis, Project Manager Operations Division

Terry Waldele, City Engineer

David Winship, City Utilities Engineer

Randy Wooley, City Transportation Engineer

**CITY OF BEAVERTON**  
CAPITAL IMPROVEMENTS PLAN  
FISCAL YEARS 2006/07 THROUGH 2009/10

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170th Ave/173 <sup>rd</sup> Ave (Baseline Rd – Walker Rd)	5037	40
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6040

78



# City of Beaverton

## Capital Improvements Plan

### Introduction

## Introduction

The City of Beaverton Capital Improvements Plan (CIP) is an annually updated document with listings of prioritized proposed improvements and expansions of the City's infrastructure system to maintain appropriate service levels to existing City residents and businesses, and to accommodate population growth and land development. The CIP reflects the public improvement needs and priorities and projects the financial resources available to fund these needs within a four-year period. The CIP can be modified during the fiscal year (FY) through the supplemental budget process as needs, priorities, and resources change. Although the CIP is a separate document from the fiscal budget, it is used as a road map in preparing and administering the budget.

The CIP document contains project data sheets and drawings for FY 2006-2007 (06/07) projects, lists of programmed projects for Fiscal Years 07/08 through 09/10, and a "needs list" of projects in the "out years" beyond FY 09/10 for which no funding is projected to be available during the four-year period starting FY06/07.

The CIP is updated and adopted by the City Council on a yearly basis. The update begins with comments on a draft prepared by staff in the City's Engineering Department and Operations Department. In addition to a review of the draft by the CIP Executive Committee, comments are solicited from citizens, organized neighborhood groups, other public agencies, and City departments. City staff then compile comments and update project lists based on this information, updated deficiency analyses (when available) and master plan recommendations, and the projected status of currently funded projects. The Finance Department also prepares a preliminary revenue projection for the four fiscal years that appear in the CIP. Using the proposed project list and revenue projections, the Finance Department produces a financial plan for four fiscal years. The revised draft is then sent to the City Council for a public hearing and adoption, or if necessary, further revisions and then adoption.

The City's fiscal year begins on July 1 of each calendar year and ends on June 30 of the next calendar year. Each year, the City Council adopts a fiscal budget in June for the upcoming fiscal year, as recommended to the Council by the City's Budget Committee. By Oregon law, the City of Beaverton can only fund (budget) projects for the current fiscal year and upcoming fiscal year. Therefore, only projects in the CIP that are shown in fiscal FY 06/07 are actually funded. Programmed, but not funded projects (projects for the following three fiscal years are included in the four-year financial plan) are also included in the CIP for information purposes. Programmed projects typically provide a starting point for the following year's CIP and fiscal budget preparation.

During the course of any fiscal year, the CIP may be revised or amended by the City Council to include projects with a high priority or projects for which an unforeseen source of funding becomes available. Such projects may come from the Needs List or may be unforeseen projects needed to address critical problems or needs that had not been

previously identified as needing the City's immediate attention such as projects precipitated by new private development.

Highlights of the CIP follow.

### **Facility, Civic, and Cultural Projects**

None for FY 2006-2007.

### **Transportation Projects**

#### **Funding**

Transportation improvements are funded from a combination of sources. Traffic Impact Fees (TIF) may be used to fund capacity improvements to certain arterial and collector roadways listed in the countywide TIF ordinance. The County's Major Streets Transportation Improvement Program (MSTIP) continues to fund improvements to selected arterial and collector roadways throughout the County, including projects in Beaverton. The Street Fund, which is the City's share of State and County motor vehicle fuel taxes and registration fees, may be used to fund improvements to public roadways; however, most Street Fund revenues are needed to fund street maintenance needs, including the pavement resurfacing program. Street improvements can also be funded by the owners of the benefited properties through the formation of a local improvement district. The Traffic Enhancement Program uses General Fund monies to fund local safety and signal improvements.

Various grant programs provide funding for safety, capacity, bicycle and pedestrian improvements. Allocation of most Federal grant funding and some State grant funding is coordinated through Metro. Most grant programs require that the City provide funding for a portion of the project costs.

#### **Project Selection Process**

The Transportation Element of the Comprehensive Plan defines expected transportation improvement needs through 2020 and is the primary source for selecting potential projects and defining the project scope. The Pedestrian, Bicycle, and Street Improvement Master Plan and Action Plan project tables are included in the "Needs Beyond FY2009/10" section.

Most transportation funding sources have specific restrictions on project eligibility. These restrictions influence the selection of specific projects. TIF funds can be used only on projects specifically listed in the County TIF ordinance. MSTIP funds are assigned to specific regional projects. Traffic enhancement funds are reserved for neighborhood traffic calming, school safety improvements, and improvements to the citywide traffic signal system. The various grant programs each have specific eligibility criteria. In addition, the City must typically compete regionally or statewide for grant funding. In applying for grant funding, the City selects projects that meet the eligibility criteria and

that potentially rank high in the established selection criteria of the grant program. Using the project list in the Transportation Element and the criteria of the various funding programs, projects are selected to most efficiently use the City's limited transportation funds to meet its transportation needs.

Program 3226, Miscellaneous Transportation and Improvement Projects, is funded from the Street Fund and addresses small projects that may not be covered in the Transportation Element. This program provides a way to respond promptly to resolve safety problems or to provide the City's matching share on small grants that cannot be anticipated at the time of adoption of the CIP.

Also included in the CIP is the Street Rehabilitation program that schedules major maintenance on the 204 miles of City streets. This program designates the locations of and proposed funding for street repaving, slurry seals, crack and joint sealing of pavement, and sidewalk ramps. In an effort to better coordinate street rehabilitation improvements with underground replacement and expansion projects for water, sewer and storm drainage, the Street Rehabilitation program is shown in the CIP. City staff strives to improve coordination and scheduling of street resurfacing and underground utility construction to minimize digging up streets that have been recently repaved. Sometimes emergencies require unscheduled excavation of streets, but it is the City's goal to carefully plan for replacement of underground utilities prior to constructing surface improvements.

#### **Fiscal Year (FY) 06-07 Projects**

In FY06-07, there are four Washington County MSTIP (Major Streets Transportation Improvement Program) projects within the City of Beaverton: **170<sup>th</sup> Ave/173<sup>rd</sup> Ave** (Baseline Rd to Walker Rd), **Oleson Rd** (Fanno Creek to Hall Blvd), **Lombard Ave** realignment (Farmington Rd to Broadway), and **Cornell Road** (Bethany Blvd. to Evergreen Parkway). The Lombard Ave project is included in the construction of Commuter Rail project and would be delayed if the Commuter Rail project is delayed.

Federal funding will continue to play the primary role in the **Rose Biggi Ave Extension** (Millikan Wy to Crescent St) project. State funding has been allocated to the **Murray Blvd Extension** (Scholls Ferry Rd to Barrows Rd) project.

Traffic enhancement projects include traffic calming, signal installation and other traffic related improvements and are in their final phase. Specific projects have been chosen by the Traffic Commission and approved by the City Council. All Traffic Enhancement funds have now been allocated to specific projects.

Traffic Impact Fees are the primary funding source for the **125<sup>th</sup> Avenue Phase 2** project. The Phase 2 project will be under design in FY06/07.

The Street Fund is the primary funding source for the Street Rehabilitation Program.

On occasion, the General Fund also provides funding for street improvements that have a broad community impact. In FY06/07 the General Fund is the principal funding source for the **Hall-Watson Beautification, Phase 3** project. Phase 1 construction was completed in FY03-04 as was the design of Phase 2. The design of Phase 3 will be completed in FY06/07.

The construction of the Commuter Rail project from Beaverton to Wilsonville may again be delayed. This project is under the direction of Washington County and Tri-Met and will provide rail improvements associated with commuter rail service between Wilsonville and the Beaverton Transit Center. While not a City project, it will affect City streets. The project will re-align Lombard Avenue between Farmington Road and the Beaverton Transit Center to accommodate extension of the rail line. It will also involve revisions to the rail crossings on existing streets.

### **Sanitary Sewer Program**

The Sanitary Sewer Program is based on the January 2004 Sanitary Sewer Collection System Master Plan and the City's ongoing maintenance history and television scan (internal inspection) reports. With visual video images and written maintenance information, City staff identify and assess priorities for sanitary sewer projects needed to replace sections of the sewer system where the continued cost of maintenance of pipes and manholes would be greater than for replacement. The Sanitary Sewer Program includes projects in two main categories: "increased-capacity" projects for lines identified in the master plan as under capacity, and "replacement" projects for lines that have deteriorated past the reasonable point of repair. Planned CIP projects are intended to reduce infiltration and inflow of storm water into existing sanitary sewers, reduce deficiencies in older sections of the sanitary sewer collection system, and to build extra-capacity in the system (upsized underground pipes and manholes) to accommodate new development and redevelopment.

#### **Increased-Capacity Projects**

Recommendations made in the January 2004 Sanitary Sewer Collection System Master Plan and a 1995 Clean Water Services master plan are used by City staff to determine which projects are necessary to increase the capacity of the sewer system to serve new development and in-fill of existing land. In FY 2006-07, construction of increased capacity sanitary sewer improvements will continue in the **Blakeney Street** area and on the **Rose Biggi Extension** project on the old Westgate Theater site.

#### **Replacement Projects**

The City's sewer system is comprised of approximately 263 miles of piping ranging in size from 6 to 21 inches and 8146 manholes. Much of the pipe in older sections of the City and some newly annexed areas is nearing or exceeding fifty years of service. A program was initiated in FY 1995-96 to fund an ongoing program of replacing deteriorated or failing lines. In FY 2006-07, improvements are planned for 1) the **Sandberg Subdivision** on Larch Dr, Larch Ln, Beech Dr and Maple Ave, 2) the **South**

**Central “A”** area bounded by Allen Blvd, Lombard Ave and Hall Blvd on 12<sup>th</sup> St, 13<sup>th</sup> St, 14<sup>th</sup> St and 9<sup>th</sup> St, 3) **Tualaway Ave** from electric St to just south of Canyon Rd, and 4) a small section of sewer main located in an intermittent drainage channel between **Cormorant Dr** and Waxwing Wy.

### **Funding**

The Sewer Program is funded by the Sewer Fund (Program 502 in the City budget). “Increased-capacity” projects are financed from System Development Charges (SDCs) and “replacement/renewal” projects are financed from monthly sewer service charges and the newly enacted City sanitary sewer service charge.

## **Drinking Water Program**

The capital improvements listed for the Water Program are based on the 1991 Water System Facility Plan (master plan) and draft 2001 Master Plan, replacement/renewal projects developed from operation and maintenance history maintained by the Water Division, and City participation in Joint Water Commission (JWC) projects.

The City of Beaverton supplies water to about 66,000 people or 79 percent of the total 83,106 residents who live within the City limits. The remaining 20 percent of residents in Beaverton are supplied water by the Tualatin Valley Water District (TVWD), the West Slope Water District and the Raleigh Water District. The primary source of Beaverton’s City water supply is from the Joint Water Commission water treatment plant located south of Forest Grove. The City owns a share in the water treatment plant, entitling the City to up to 15 MGD of treated drinking water.

The City of Beaverton’s Drinking Water Program includes both “increased-capacity” projects and “replacement” projects. Within the City’s water distribution system there are five in-town water storage reservoirs, with a total storage volume of 28.25 MGD (not including the City’s share of JWC storage of 5 MGD). With a current average City water demand of 8.4 MGD, the City has a 3.4 day supply of stored drinking water in its in-town reservoirs. The City’s water distribution system, separate from the JWC supply system, consists of approximately 253 miles of pipe, ranging from 4 inches to 36 inches. The City’s water distribution system contains four pumping stations. These pumping stations lift water from the largest water service pressure zone on the valley-floor to the nine other higher elevation water pressure zones and two upper elevation water storage reservoirs within the City’s water service area. The City’s on-going replacement of old system components and expansion of the water infrastructure system will provide improved water service and fire protection to existing City water customers and increased water supply to ensure public health and accommodate expected growth.

Additional information on the City’s water system is contained in the City of Beaverton 2004 Drinking Water Quality Report available on the City Web site (<http://www.beavertonoregon.gov/>) in the Capital Improvement/Engineering/Water/Utilities section.

## **Joint Water Commission Projects**

In FY06/07 a number of projects will continue to be assessed, such as the Tualatin Basin Water Supply Project, which will be either a 40-foot or 25-foot raise of Scoggins Dam and a continuation of ongoing improvements to the Water Treatment Plant. The most significant project to be completed in FY 06-07 will be the construction of the 20 million gallon Fernhill Reservoir No. 2 and associated 72-inch transmission pipeline, and Near Term Improvements to the JWC Water Treatment Plant.

## **Increased-Capacity Projects**

The master plan identified needed increased capacity improvements to provide safe, dependable water service to the City's water customers in conjunction with the build-out of vacant land. The plan recommended improvements in the water distribution system, storage and transmission system, and the water treatment system. Over the last several years the City has allocated considerable funding to Aquifer Storage and Recovery (ASR). ASR Well Nos. 1 and 2 located at the Sorrento Water Works Facility produce approximately 3 million gallons per day or about 9.5% of the City's total drinking water produced each year. The current estimated single-day summertime peak demand for the City is near 17 million gallons. ASR Well No. 4, which will add 3 million gallons per day more in ASR production, also located near Sorrento Water Works, is scheduled to be completed in July 2006. Up to a total of 450 million gallons of treated Joint Water Commission (JWC) water will be piped into the groundwater aquifer for recovery during the peak summer use. These ASR wells act as virtual underground water storage reservoirs to supply water during the summer season. Water supplied by the City's ASR wells will help smooth out the summer's water demand spikes through the 19-mile long transmission mains and from the JWC treatment. In FY 06/07, the City will study a future underground storage facility (ASR No. 5) on Mt. Williams. Also, increased capacity distribution system improvements will occur, on 9<sup>th</sup> St between Lombard Ave and Hall Blvd, and on Allen Blvd between Lombard Ave and Hall Blvd.

## **Replacement Projects**

The City has identified approximately 157,800 lineal feet of water lines ranging in size from 2 to 18 inches and 1,850 fire hydrants that require replacement over the next 35 years. The goal of the replacement program is to replace all system piping, valves, and fire hydrants before the end of their useful life. In FY 06/07, a waterline replacement and upsizing project is programmed in the Sandberg Subdivision on Larch Dr, Larch Ln, Beech Dr, and Maple Ave and in the Windjammer Subdivision on Spinnaker Dr, Windjammer Wy, Windjammer Ct, and Colony Ct.

## **Funding**

The Drinking Water Program is funded by 1) the Water Construction Fund (505) that obtains revenue from Water System Development Charges (SDCs), 2) the Water Debt

Service Fund (funded by the proceeds of the water revenue bonds), and 3) the Water Fund (501) that obtains revenue from water sales, water connection permits, and fees.

## Storm Drainage Program

The Storm Drainage Program is based on the 1994 Storm Drainage Master Plan, engineering consultant studies of specific streams and watersheds in Beaverton such as the Central Interceptor study, the Westside Interceptor study, Blakeney Pond (Bel Aire Creek) Drainage study, the Beaverton Eastside Drainage study, and the Beaverton Creek Floodplain Restudy and the City's ongoing maintenance history and television scan (internal inspection) reports. The 1994 master plan and the aforementioned studies and inspection reports identify the improvements that are needed to convey or detain a 25-year storm. The priority for the design and construction of the associated improvements is based on the highest potential to safeguard public and private property from damage due to storm events.

Storm drain improvements fall into three categories: "increased-capacity" projects to upsize pipes that are not large enough to carry runoff from a designated storm event, "maintenance and replacement" projects to replace deteriorated or failing pipes in the system, and "system expansion" which occurs as new streets are constructed or upgraded.

The City's storm drainage system is comprised of approximately 201 miles of piping, 3900 manholes, 8500 catchbasins, and 252 public drainage facilities.

In FY 2006-07 the City plans to:

- Complete construction of the **Bel-Aire Creek** storm drainage improvements in conjunction with the Blakeney sanitary sewer trunk upsizing.
- Complete construction of storm utility replacements in the **Sandberg Subdivision** (Larch/Maple/Beech) area.
- Complete the design and begin construction of storm drainage improvements along Canyon Ln on **71<sup>st</sup> Ave** and on **75<sup>th</sup> Ave**.
- Construct needed storm drain improvements near **Park View Lp** and near **Elm Ave/Oak Pl**.
- Coordinate storm utility improvements for the Commuter Rail Project and the associated **Lombard Ave** MSTIP3 project.
- Continue coordination of storm drain improvements for the **Oleson Rd** MSTIP3 project and the **170<sup>th</sup>/173<sup>rd</sup> Ave** MSTIP3 project.

### Funding

Storm drainage improvements are funded by the Storm Drain Fund (513) through utility fees set out in Beaverton Code. "Increased-capacity" improvements are financed through Systems Development Charges (SDCs), of which there are three: storm water *conveyance*, storm water *quantity* control, and storm water *quality* control. "Maintenance



and replacement” projects are financed by a \$2 per month storm drain surcharge to the normal service charge required by the Unified Sewerage Agency. Surcharge revenue is segregated from other storm drain revenues to be used for the purposes of operating and maintaining the system. “System expansion” improvements are funded as part of street improvements by SDC revenue (same three sources stated above), Washington County MSTIP funds, MTIP funds, or grant funds.

## **FUTURE NEEDS**

The last section of the CIP includes a Needs List of improvements for both transportation and public utilities. Interested residents and citizen groups may seek to add projects to this list by identifying the proposed projects in writing to:

Gary Brentano  
Director Public Works Department  
City of Beaverton  
PO Box 4755  
Beaverton, OR 97076-4755.

Upon receipt, City engineering will evaluate each request and respond to the requestor in writing with the course of action proposed by the City. The City is particularly interested in recommendations that help eliminate or reduce the risk of personal injury or damage to private property such as perennial flooding problems. All requests received prior to June 1, 2006 have been included and prioritized in the FY 2006/07 CIP.

The FY2006/07 CIP includes repair and maintenance projects that address all known, unreasonable risks to private property. The applicable projects in FY2006/07 include 6012, 8049, 8052B, 8052C, 8053, and 8056.

Additional information on the City’s Capital Improvement Program is available on the City Web site (<http://www.beavertonoregon.gov/>) under City Projects/Capital Improvement.

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**City of Beaverton**  
Capital Improvements Plan

Financial Plan

**City of Beaverton**  
**CIP Financial Plan - Street Projects**  
**FY 06/07 Recommended**

Projects		Funding Sources					Total for Fiscal Year
		Gen Fund Taxes	101 Street		114 TIF Fund	Grants & IGA's	
			Const.	Overlay			
Estimated Balance, 07/01/06		462,241	2,041,577		4,441,781		6,945,599
Proposed Additional Resources		125,000	(108,668)	887,000	1,579,096	540,000	3,022,428
Total Available in FY 06/07		587,241	1,932,909	887,000	6,020,877	540,000	9,968,027
Street Capital Improvement Projects:							
3161	125th Ave Extension, Phase 2 Storm water detention, water quality & wetland mitigation (design)				655,000		655,000
3223	Traffic Enhancement Projects	472,241					472,241
3226	Misc Transportation Improvements	40,000	150,000				190,000
3228	155th Sidewalk, Middleton to Rigert		336,000				336,000
3229	Murray Road Extension (design)		317,715		808,987		1,126,702
3309	Rose Biggi - Millikan to LR				186,000	540,000	726,000
3312	Hall Watson Beautification Phase 3	75,000					75,000
3314	Rose Biggi LR to Crescent				278,000		278,000
Street Overlay & Maintenance Projects:				887,000			887,000
Total Project Cost FY 06/07		587,241	803,715	887,000	1,927,987	540,000	4,745,943
Estimated Ending Balance @ 6/30/07		0	1,129,194 *	0	4,092,890	0	5,222,084

\* This amount does not include the Street Fund's operating contingency (\$800,000) & reserve for equipment (\$393,300).

Shaded projects are to be completed by city workers, application of paving materials only

**Street CIP's & Funding Sources  
For FY07/08 through FY09/10**

Projects	FY07/08				FY08/09			FY09/10			
	101 Street		114	Grants	101 Street		114	101 Street		114	Grants
	Const.	Overlay	TIF	Private \$	Const.	Overlay	TIF Fund	Const.	Overlay	TIF Fund	IGA's
<b>Estimated Resources:</b>											
Carryover from prior year	1,129,194		4,092,890		546,909		4,736,290	546,909		5,422,814	
Addition for the year		908,108	1,685,400	2,829,759		981,781	1,786,524		988,622	1,893,715	6,320,000
<b>Total Available Resources</b>	<b>1,129,194</b>	<b>908,108</b>	<b>5,778,290</b>	<b>2,829,759</b>	<b>546,909</b>	<b>981,781</b>	<b>6,522,814</b>	<b>546,909</b>	<b>988,622</b>	<b>7,316,529</b>	<b>6,320,000</b>
<b>Estimated Capital Improvement Projects:</b>											
3161 125th Ave. Extension, Phase 2 Storm, Water, Wetland work - Const			900,000								
3162 125th Ave Extension, Phase 3 Construct roadway to align w/125th Ave. (Final Design)							1,100,000				
3229 Murray Road Extension (const.)	582,285			2,249,759							
3302 Farmington Road, MTIP/STIP										322,000	2,816,000
3306 Lombard (Broadway to Farmington) MSTIP 3			75,000								
New Rose Biggi Crescent to Hall Blvd			67,000	580,000						401,000	3,504,000
Street Overlay & Maintenance projects:		908,108				981,781			988,622		
<b>Total Uses for Projects</b>	<b>582,285</b>	<b>908,108</b>	<b>1,042,000</b>	<b>2,829,759</b>	<b>0</b>	<b>981,781</b>	<b>1,100,000</b>	<b>0</b>	<b>988,622</b>	<b>723,000</b>	<b>6,320,000</b>
<b>Remaining Balance</b>	<b>546,909</b>		<b>4,736,290</b>	<b>0</b>	<b>546,909</b>		<b>5,422,814</b>	<b>546,909</b>		<b>6,593,529</b>	<b>0</b>
			<u><b>5,745,440</b></u>				<u><b>5,969,723</b></u>			<u><b>7,140,438</b></u>	

**City of Beaverton  
CIP Financial Plan - Water  
FY 06/07 Recommended**

Projects	Funding Sources			Total for Fiscal Year
	SDC	Bond Proceeds **	Maint. & Repl.	
<b>Estimated Beginning Balance, 07/01/06</b>	5,550,974	3,071,637	581,605	9,204,216
<b>Estimated addit'l Resources for FY 06/07</b>	1,223,971	48,516	1,183,316	2,455,803
<b>Total Available in FY 06/07</b>	<b>6,774,945</b>	<b>3,120,153</b>	<b>1,764,921</b>	<b>11,660,019</b>
<b>Projects, FY 06/07</b>				
3612 15 MG Reservoir (Landscaping)	60,000			60,000
3620 Water Extra Capacity Projects				
Murray Blvd Extension - Schools to Barrows		235,000		235,000
Allen Blvd - Lombard to Hall		230,000		230,000
Water Extra-Capacity Projects		200,000		200,000
Sexton Mtn Pump Station Upgrade	140,000			140,000
Rose Biggi Ave. Extension Waterline, 600 LF of 12"	130,000			130,000
Hazel - Erickson Ave to Menlo Ave	115,000			115,000
First/Main Mixed-Use Development	110,000			110,000
9th St - Lombard to Hall	110,000			110,000
ASR Well No 3/ASR No. 5 (Pre-design & Testing)	50,000			50,000
155th/Powerline R/W PRV Station Upgrade	45,000			45,000
Upper Elevation Storage Siting Evaluation	35,000			35,000
Water Sys Telemetry (annual upgrade)	35,000			35,000
155th/Nora PRV and Waterline Improvements	25,000			25,000
Program Total - 3620				1,460,000
3635 JWC Capacity projects				
Vulnerability Assessment		84,750		84,750
3636 Scoggins Dam Raise (CWS Project)	121,131			121,131
3637 NTL Ph 3 Transmission Allocation		16,438		16,438
3638 Fernhill Reservoir No 2 & Transmission Lines		1,623,750		1,623,750
3639 ASR #4	481,508	68,492		550,000
3640 Raw Water Pipeline - Scoggins/WTP		65,037		65,037
3641 Dembach Reservoir property purchase		333,000		333,000
3642 Clearwell/WTP Expansion		263,686		263,686
<b>Maintenance &amp; Replacement (1)</b>				
3611 JWC Projects			118,316	118,316
3700 Annual Water Line Maint. & Replacement Program			100,000	100,000
3701 Water System Improvements			1,245,000	1,245,000
3705 Fire Hydrant Replacement Program			20,000	20,000
<b>Total Project Cost in FY 06/07</b>	<b>1,457,639</b>	<b>3,120,153</b>	<b>1,483,316</b>	<b>6,061,108</b>
<b>Estimated Ending Balance @ 6/30/07</b>	<b>5,317,306</b>	<b>0</b>	<b>281,605</b>	<b>5,598,911</b>

(1) See attached schedule for detail

**City of Beaverton**  
**CIP Financial Plan - Water**  
**Maintenance & Replacement Projects Detail**  
**FY 06/07 Recommended**

Projects	Project Cost	Total for Fiscal Year
3611 Joint Water Commission Projects Operating Capital Outlay Intake Log Boom Silo Demolition Hatch Addition to Sed Basins Program Total - 3611	 24,566 32,500 23,750 37,500  	 24,566 32,500 23,750 37,500  118,316
3700 Annual Water Line Maintenance & Replacement Projects Water System Hydraulic Modeling, Mapping, etc Small Works - Misc Maintenance & Replacement Program Total - 3700	 40,000 60,000  	 40,000 60,000  100,000
3701 Water System Improvements Spinnaker Dr , Windjammer Way & Ct., Colony Ct. Sexton Mt Pump Station Upgrade Tigard Interconnect/Master Meter No 2 (Barrows Rd) Larch/Maple/Beech Waterlines Replacement 9th St , - Lombard to Hall Allen Blvd. - Lombard Ave to Hall Blvd Farmington Rd - Hocken to Murray (design only) Water System Security Upgrades Hazel - Erickson Ave. to Menlo Ave. Program Total - 3701	 300,000 250,000 225,000 190,000 125,000 105,000 25,000 20,000 5,000  	 300,000 250,000 225,000 190,000 125,000 105,000 25,000 20,000 5,000  1,245,000
3705 Fire Hydrant Replacement Program	20,000	20,000

Note Shaded projects are to be completed by city workers, application or installation of materials only

**CIP's & Funding Sources - Water**  
**For FY 07/08 through FY 09/10**

Projects	FY 07/08			FY 08/09			FY 09/10		
	SDC & Trsfr	Bond* Proceeds	Maint. & Repl.	SDC & Trsfr	Bond* Proceeds	Maint. & Repl.	SDC & Trsfr	Bond* Proceeds	Maint. & Repl.
<b>Estimated Resources:</b>									
Carryover from prior year	5,317,306	0	281,605	4,142,359	0	181,605	3,317,758	0	156,605
Addition for the year	1,860,710		770,000	2,130,482		900,000	1,488,582		1,000,000
<b>Total Available Resources</b>	<b>7,178,016</b>	<b>0</b>	<b>1,051,605</b>	<b>6,272,841</b>	<b>0</b>	<b>1,081,605</b>	<b>4,806,340</b>	<b>0</b>	<b>1,156,605</b>
<b>Estimated Projects:</b>									
<u>SDC Projects</u>									
3620 Water Extra-Capacity Supply System	1,805,000			1,695,000			2,895,000		
3635 JWC Capacity projects									
WTP Clearwell/Capacity Imp.	940,647			780,073					
Other projects	50,000			50,000			50,000		
3636 Scoggins Dam Raise Project (3 97%)	130,010			130,010			130,010		
3640 Raw Water Pipeline - Scoggins to WTP (13%)	100,000			100,000			100,000		
New ASR No 3 or 5, property acquisition	10,000			200,000					
<u>Maintenance &amp; Replacement Projects.</u>									
3611 JWC Misc. Capital Outlay & Projects			50,000			50,000			50,000
3700/01 Water System Improvements			800,000			850,000			850,000
3705 Fire Hydrant Replacement Program			20,000			25,000			25,000
<b>Total Uses</b>	<b>3,035,657</b>	<b>0</b>	<b>870,000</b>	<b>2,955,083</b>	<b>0</b>	<b>925,000</b>	<b>3,175,010</b>	<b>0</b>	<b>925,000</b>
<b>Remaining Balance</b>	<b>4,142,359</b>	<b>0</b>	<b>181,605</b>	<b>3,317,758</b>	<b>0</b>	<b>156,605</b>	<b>1,631,330</b>	<b>0</b>	<b>231,605</b>
	Total remaining sources		<u><b>4,323,964</b></u>	Total remaining		<u><b>3,474,363</b></u>	Total remaining		<u><b>1,862,935</b></u>



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**City of Beaverton  
CIP Financial Plan - Sewer  
FY 06/07 Recommended**

Projects	Funding Sources				Total for Fiscal Year
	SDC	Sewer Svc Sale	Renewal & Rehab	IGA w/CWS	
<b>Estimated Beginning Balance, 07/01/06</b>	2,862,504	2,505,793	138,330		5,506,627
<b>Estimated Additional Resources, FY 06/07</b>	446,413	239,728	487,522	930,000	2,103,663
<b>Total Available in FY 06/07</b>	<b>3,308,917</b>	<b>2,745,521</b>	<b>625,852</b>	<b>930,000</b>	<b>7,610,290</b>
<b>Projects for FY 06/07</b>					
<b>SDC Projects:</b>					
3811					
Bel Aire Creek Drainage/Blakeney Storm & Sewer Imp	130,000				130,000
In-House Engineering, Design & Project Management	106,000				106,000
Rose Biggi Extension	50,000				50,000
Tualaway Sewer Replacement Project	42,000				42,000
Larch Maple Beech Area Utility Improvement Project	5,000				5,000
Program 3811 Total					333,000
<b>Rehab Projects:</b>					
3850					
South Central Area "A" Sanitary Sewer Improvements		670,000		630,000	1,300,000
Tualaway Sewer Replacement Project		250,000			250,000
Larch Maple Beech Area Utility Improvement		133,000		300,000	433,000
In-House Engineering, Design & Project Management		99,000			99,000
Small Works Projects		80,000			80,000
Cormorant Dr Sanitary Sewer Improvements		80,000			80,000
Program 3850 Total					2,242,000
<b>Renewal &amp; Rehab Projects:</b>					
3852					
Small Works Projects			145,000		145,000
In-House Engineering, Design & Project Management			25,000		25,000
Program 3852 Total					170,000
<b>Total Project Costs in FY 06/07</b>	<b>333,000</b>	<b>1,312,000</b>	<b>170,000</b>	<b>930,000</b>	<b>2,745,000</b>
<b>Estimated Ending Balance @ 6/30/07</b>	<b>2,975,917</b>	<b>1,433,521 (1)</b>	<b>455,852</b>	<b>0</b>	<b>4,865,290</b>

(1) Sewer Operation contingency set aside amount = \$300,000

Note Shaded projects are to be completed by city workers, application or installation of materials only.

**CIP's & Funding Sources - Sewer  
For FY 07/08 through FY 09/10**

Projects	FY 07/08				FY 08/09				FY 09/10			
	Funding Sources				Funding Sources				Funding Sources			
	SDC	502 Service Sale	Renewal & Rehab	Grants & IGA's	SDC	502 Service Sale	Renewal & Rehab	Grants & IGA's	SDC	502 Service Sale	Renewal & Rehab	Grants & IGA's
<b>Estimated Resources:</b>												
Carryover from prior year	2,975,917	1,433,521	455,852	0	2,590,315	571,521	410,875	0	2,766,930	431,521	417,179	0
Addition for the year	578,943	55,000	507,023	243,000	552,615	55,000	527,304	228,000	418,262	55,000	548,396	268,000
<b>Total Available Resources</b>	<b>3,554,860</b>	<b>1,488,521</b>	<b>962,875</b>	<b>243,000</b>	<b>3,142,930</b>	<b>626,521</b>	<b>938,179</b>	<b>228,000</b>	<b>3,185,192</b>	<b>486,521</b>	<b>965,575</b>	<b>268,000</b>
<b>Estimated CIP Expenditures:</b>												
<b>3811 SDC Projects:</b>												
AL-01 Alger Trunk South of SW Allen Blvd	433,295											
ER-02 Lateral to Erickson Turnk btwn SW 17th St and SW 20th Court	40,000				221,000							
FA-01 Farmington Rd Trunk btwn SW Murray and SW Menlo Drive					50,000				476,723			
141-02 141st Ave Trunk btwn SW Lisa and SW Spirea Str	391,250											
Proj 5th -01 & 02 New Overflows on 5th Street Trunk					5,000				65,000			
Misc Capacity Projects	35,000				35,000				35,000			
In-house engineering overhead	65,000				65,000				65,000			
<b>3850/3852 Renewal &amp; Rehabilitation Projects:</b>												
Rehab Proj C South Central Area "A" Samtary Sewer Imp		715,000										
Rehab Proj H South Central Area C			487,000	243,000								
Rehab Proj I South Central Area II		42,000					456,000	228,000				
Rehab Proj I South Looking Glass Hill Area						35,000					536,000	268,000
Misc Rehabilitation Projects		60,000	40,000			60,000	40,000			60,000	40,000	
In-house engineering overhead		100,000	25,000			100,000	25,000			100,000	25,000	
<b>Total Uses</b>	<b>964,545</b>	<b>917,000</b>	<b>552,000</b>	<b>243,000</b>	<b>376,000</b>	<b>195,000</b>	<b>521,000</b>	<b>228,000</b>	<b>641,723</b>	<b>160,000</b>	<b>601,000</b>	<b>268,000</b>
<b>Remaining Balance</b>	<b>2,590,315</b>	<b>571,521</b>	<b>410,875</b>	<b>0</b>	<b>2,766,930</b>	<b>431,521</b>	<b>417,179</b>	<b>0</b>	<b>2,543,469</b>	<b>326,521</b>	<b>364,575</b>	<b>0</b>
<b>Total Remaining Resources</b>				<u><b>3,572,711</b></u>				<u><b>3,615,630</b></u>				<u><b>3,234,565</b></u>

**City of Beaverton**  
**CIP Financial Plan - Storm Drain**  
**FY 06/07 Recommended**

Projects	Funding Sources			Total for Fiscal Year
	SDC		Maint.& Repl.	
	Conveyance	Q & Q		
Estimated Beginning Balance @ 07/01/06	1,545,722	884,039	1,223,043	3,652,804
Estimated Additional Resources for FY 06/07	533,253	122,614	918,781	1,574,648
Total Available in FY 06/07	2,078,975	1,006,653	2,141,824	5,227,452
Projects for FY 06/07				
3915 Storm Water Conveyance Project, SDC				
7400 Block SW Canyon Ln (near 75th) SD Imp.	416,000			416,000
Park View Loop Storm Drain Upsizing	209,000			209,000
Larch Maple Beech Area Storm Util. Improvement Project	185,000			185,000
Small Works Projects, Eng Svcs., and In-house OH Charges	240,000			240,000
Strategic easement/property acquisition and appraisals	20,000			20,000
Program 3915 Total				1,070,000
3916 Storm Water Quantity Project, SDC				
Small Works Projects, Eng. Svcs , and In-house OH Charges		80,000		80,000
Strategic easement/property acquisition and appraisals		5,000		5,000
Program 3916 Total				85,000
3917 Storm Water Quality Project, SDC				
Outfall WQ retrofit - Erickson Creek Tributary		124,000		124,000
Outfall WQ retrofit - Park View Loop Storm Drain Upsizing		18,000		18,000
Small Works Projects, Eng. Svcs., and In-house OH Charges		80,000		80,000
Strategic easement/property acquisition and appraisals		5,000		5,000
Program 3917 Total				227,000
3950 Maintenance & Replacement Program				
SW Elm near SW Oak Drainage improvement			208,000	208,000
Larch Maple Beech Area Storm Util. Improvement Project			224,000	224,000
7100 Block SW Canyon Ln (near 71st) SD Imp.			133,000	133,000
Small Works Projects, Eng Svcs , and In-house OH Charges			385,000	385,000
Strategic easement/property acquisition and appraisals			15,000	15,000
Program 3950 Total				965,000
Total Project cost in FY 06/07	1,070,000	312,000	965,000	2,347,000
Estimated Ending Balance @ 6/30/07	1,008,975	694,653	1,176,824	2,880,452

Note Shaded projects are to be completed by city workers, application or installation of materials only

**CIP's & Funding Sources - Storm Drain  
For FY07/08 Through FY09/10**

Projects	FY07/08				FY08/09			FY09/10		
	Funding Sources				Funding Sources			Funding Sources		
	Convey.	513 Q & Q	Maint/Repl	IGA	Convey.	513 Q & Q	Maint/Repl	Convey.	513 Q & Q	Maint/Repl
<b>Estimated Resources</b>										
Carryover from prior year	1,008,975	694,653	1,176,824	0	1,402,495	627,810	1,210,605	1,975,374	398,115	567,386
Addition for the year	970,520	223,157	918,781	500,000	892,879	205,305	918,781	687,517	158,085	918,781
<b>Total Available Resources</b>	<b>1,979,495</b>	<b>917,810</b>	<b>2,095,605</b>	<b>500,000</b>	<b>2,295,374</b>	<b>833,115</b>	<b>2,129,386</b>	<b>2,662,891</b>	<b>556,200</b>	<b>1,486,167</b>
<b>Estimated Projects:</b>										
<b>3915 Storm Water Conveyance Project, SDC</b>										
Beaverton Creek Channel Enhancement near Hocken (Phase 2)	357,000			500,000						
Hocken Bridge (Phase 3)								728,000		
SW Elm/Chestnut Area Stormdrain Imp (Ref SS rehab Q) (3950)								370,000		
Priority Culvert Capacity projects (HSP, Est at \$100k per site)					100,000					
Strategic drainage (buffer) easement/property acquisition	20,000				20,000			20,000		
Small Works Projects, Eng Svcs, and In-house OH Charges	200,000				200,000			200,000		
<b>3916 Storm Water Quantity Project, SDC</b>										
7900 to 8100 Block SW Canyon Ln Storm Drain Imp.						100,000				
SW Schiller Rd/85th Court Drainage Improvements		60,000								
Stormwater Detention Retrofit Project						185,000				
Small Works Projects, Eng Svcs, and In-house OH Charges		90,000				50,000			30,000	
<b>3917 Storm Water Quality Project, SDC</b>										
Stormwater Outfall Retrofit (Est at \$45k per site)		45,000				45,000				
Strategic drainage (buffer) easement/property acquisition		5,000				5,000				
Small Works Projects, Eng Svcs, and In-house OH Charges		90,000				50,000			30,000	
<b>3950 Maintenance &amp; Replacement Program</b>										
Sterling Park Pond Reconstruction, w/ASR#3 Site Work			50,000							
Huison Creek Basin Improvements			100,000				50,000			
SW 150th Court Groundwater Seepage Control			110,000							
7900 to 8100 Block SW Canyon Ln Storm Drain Imp.							282,000			
SW Schiller Rd/85th Court Drainage Improvement			175,000							
Stormwater Outfall Retrofit			30,000							90,000
Stormwater Pond Retrofit/Repair [HSP]			50,000				50,000			
Looking Glass Basin 36" stormdrain replacement (Ref SS rehab J)							800,000			
SW Elm/Chestnut Area Stormdrain Imp (Ref SS rehab Q) (3915)										370,000
Unanticipated storm drain conduit repairs just prior to AC pavement overlay or street calming project			80,000				80,000			80,000
Address drainage concerns with Beaver Created Ponds										50,000
Strategic drainage (buffer) easement/property acquisition			20,000				20,000			20,000
Small Works Projects, Eng Svcs, and In-house OH Charges			270,000				280,000			290,000
<b>Total Uses</b>	<b>577,000</b>	<b>290,000</b>	<b>885,000</b>	<b>500,000</b>	<b>320,000</b>	<b>435,000</b>	<b>1,562,000</b>	<b>1,318,000</b>	<b>60,000</b>	<b>900,000</b>
<b>Remaining Balance</b>	<b>1,402,495</b>	<b>627,810</b>	<b>1,210,605</b>	<b>0</b>	<b>1,975,374</b>	<b>398,115</b>	<b>567,386</b>	<b>1,344,891</b>	<b>496,200</b>	<b>586,167</b>
<b>Total Remaining Sources</b>				<b>3,240,911</b>			<b>2,940,876</b>			<b>2,427,258</b>

☐ Note: Shaded projects are to be completed by city workers, application or installation of materials only

# MEMORANDUM

**City of Beaverton**  
**Office of the City Recorder**

**To:** Mayor Drake and Councilors  
**From:** Sue Nelson, City Recorder  
**Date:** June 7, 2006  
**Subject:** **Agenda Bill 06107: Capital Improvements  
Plan for Fiscal Years 2006/07 through  
2009/10 for Transportation, Water, Sewer,  
and Storm Drain Projects**

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The complete agenda bill and attachments for Agenda Bill 06107 are available for review in the City Recorder's Office on the third floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR. The office is open weekdays between 8:00 a.m. and 5:00 p.m. Due to the large volume of the Capital Improvements Plan, it was not included with the agenda bill on the Web site.

If you have any questions regarding this item, please call (503) 526-2650.

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

06/12/06


**SUBJECT:** An Ordinance Relating To The  
Building Code Amending Beaverton  
Code Section 8.02.015 (A)

**FOR AGENDA OF:** ~~06-05-06~~ **BILL NO:** 06093

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 5-8-06

**CLEARANCES:** City Attorney 

**PROCEEDING:** ~~First Reading~~

Second Reading and Passage

**EXHIBITS:** Ordinance  
Exhibit A: Appendix G Flood  
Resistant Construction

### **BUDGET IMPACT**

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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### **HISTORICAL PERSPECTIVE:**

Beaverton Code Sections 9.05.005 through 9.05.170 and Development Code Section 60.10.10 regulate development in flood hazard areas. The codes require buildings and structures located within a flood hazard area to be elevated above the base flood elevation or be flood-proofed to an acceptable standard of practice; however, the current codes do not identify the acceptable standards of practice for flood-proofing buildings or structures. Beaverton Code Sections 8.02.015 (A) through (G) adopts the State Building Codes as required by Oregon Revised Statutes. The State Building Codes include Appendix G Flood Resistant Construction that can be adopted by the City. Appendix G contains nationally-recognized and accepted standards for construction materials, methods, and practices that minimize flood damage to buildings.

### **INFORMATION FOR CONSIDERATION:**

Providing nationally-recognized standards for construction materials, methods, and practices that minimize flood damage to buildings; and protects the safety, welfare, and livability of the citizens in the City. Building designers benefit from a specified set of standards with which to design buildings or structures when they are located within a flood hazard area.

### **RECOMMENDED ACTION:**

~~First Reading~~  
Second Reading and Passage

**Agenda Bill No:** 06093

ORDINANCE NO. 4393

AN ORDINANCE RELATING TO THE BUILDING CODE AMENDING BEAVERTON  
CODE SECTION 8.02.015 (A)

- WHEREAS,** Current Beaverton Code Section 9.05.060 and Development Code 60.10.10 regulate development in flood hazard areas; however, they do not have standards for construction materials, methods, and practices that minimize flood damage to buildings; and
- WHEREAS,** The current Beaverton Code does not have standards for construction materials, methods, and practices that minimize flood damage to buildings; and
- WHEREAS,** The State Building Code contains Appendix G Flood Resistant Construction that can be adopted by the City as necessary to provide standards for construction materials, methods, and practices that minimize flood damage to buildings; and
- WHEREAS,** Amending portions of Appendix G is necessary to provide standards for construction materials, methods, and practices that minimize flood damage to buildings and not conflict with the City or Development Codes; now, therefore:

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** BC 8.02.015(A) is amended to read as follows:

8.02.015 State Codes. The following State Specialty Codes are adopted as part of the Beaverton Code except as otherwise provided in this ordinance:

- A. State of Oregon Structural Specialty Code, as adopted by ORS 455.010 through 455.895, OAR 918-460-010 through OAR 918-460-015 ("Structural Specialty Code") including Appendix G Flood Resistant-Construction Sections: G101, G102, G103.1 through 103.3, G103.8, G104.1, G105, G201, G401.3 through G401.5, and G501 through G702, as amended.

**Section 2.** The Structural Specialty Code Appendix G Flood Resistant Construction is amended to read as indicated in the attached Exhibit A.

First reading this 5<sup>th</sup> day of June, 2006.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor



## **APPENDIX G FLOOD-RESISTANT CONSTRUCTION**

### **SECTION G101 ADMINISTRATION**

**G101.1 Purpose.** The purpose of this appendix is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas designed to:

1. Prevent unnecessary disruption of commerce, access and public service during times of flooding;
2. Manage the alteration of natural flood plains, stream channels and shorelines;
3. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
4. Prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards; and
5. Contribute to improved construction techniques in the flood plain.

**G101.2 Objectives.** The objectives of this appendix are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction techniques in the flood plain and ensure that potential owners and occupants are notified that property is within flood hazard areas.

**G101.3 Scope.** The provisions of this appendix shall apply to all proposed development in a flood hazard area established in Section G102.2.

**G101.4 Violations.** Any violation of a provision of this appendix, or failure to comply with a permit or variance issued pursuant to this appendix or any requirement of this appendix, shall be handled in accordance with BC 8.01.900 and 8.02.020.

### **SECTION G102 APPLICABILITY**

**G102.1 General.** This appendix, in conjunction with the Oregon Structural Specialty Code (OSSC), provides minimum requirements for development located in flood hazard areas, including the installation of utilities, placement and replacement of manufactured homes, new construction and repair, reconstruction, rehabilitation, or additions to new construction and substantial improvement of existing buildings and structures, including restoration after damage.

**G102.2 Establishment of flood hazard areas.** Flood hazard areas are established by BC 9.05.015 and the City of Beaverton Development Code, Ordinance 2050, Section 60.10.10.

### **SECTION G103 POWERS AND DUTIES**

**G103.1 Permit applications.** The building official shall review all building permit applications to determine whether the development sites will be reasonably safe from flooding. If a proposed development site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with this code and ASCE 24.

**G103.2 Other permits.** It shall be the responsibility of the building official to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development.

**G103.3 Determination of design flood elevations.** If design flood elevations are not specified, the building official is authorized to require the applicant to:

1. Obtain, review and reasonably utilize data available from a federal, state or other source, or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a registered design professional. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the building official. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

**G103.4 through G103.7: Not Adopted.**

**G103.8 Records.** The building official shall maintain a permanent record of all building permits issued in flood hazard areas including copies of inspection reports and certifications required by OSSC Section 1612.

## **SECTION G104:**

### **PERMITS**

**G104.1 Required.** Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permits as required in the OSSC.

**G104.2 through 104.5: Not Adopted.**

## **SECTION G105**

### **VARIANCES**

**G105.1 General.** The board of appeals established pursuant to BC 8.02.030 shall hear and decide requests for variances on buildings and structures and their appurtenances regulated by this Appendix. The board of appeals shall base its determinations on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objective of this appendix and Section 1612 of the OSSC.

**G105.2 Records.** The building official shall maintain a permanent record of all variance actions, including justification for their issuance.

**G105.3 Historic structures.** A variance is authorized to be issued for the repair or rehabilitation of a historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

**Exception:** Within flood hazard areas, historic structures that are not:

- a. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
- b. Determined by the Secretary of the U. S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district;
- c. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

**G105.4 Functionally dependent facilities.** A variance is authorized to be issued for the construction or substantial improvement of a functionally dependent facility provided the criteria in Section 1612.1 are met and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and create no additional threats to public safety.

**G105.5 Restrictions.** The board of appeals shall not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the base flood discharge.

**G105.6 Considerations.** In reviewing applications for variances, the board of appeals shall consider all technical evaluations, all relevant factors, all other portions of this appendix and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and flood plain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**G105.7 Conditions for issuance.** Variances shall only be issued by the board of appeals upon:

1. A technical showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site renders the elevation standards inappropriate;
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
5. Notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## **DEFINITIONS**

**G201.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the OSSC for general definitions.

### **G201.2 Definitions.**

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and as further defined by ORS 446.003. For floodplain regulation purposes the term "manufactured home" also includes recreational vehicles, park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days if permitted to be placed on a permanent foundation, permanently connected to utilities, or anchored to the land. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**RECREATIONAL VEHICLE.** A vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and specifically includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicle does not include a station wagon, sports utility vehicle, van, bus, truck cab-over, utility vehicle or special use vehicle capable of providing eating or sleeping facilities unless the vehicle is also equipped with a holding tank, liquid petroleum gas or a 110 to 240 volt electrical systems to be used in conjunction with the eating or sleeping facilities. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the State, it is prima facie a recreation vehicle. For floodplain regulation purposes, such vehicles shall be fully licensed and ready for highway use on wheels or jacking system and attached to the land only by quick disconnect type utilities and security devices and have no permanently attached additions.

**VARIANCE.** A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION.** A development that is not fully compliant with this appendix or Section 1612, as applicable.

## **SECTION G301: Not Adopted SUBDIVISIONS**

### **SECTION G401**

#### **SITE IMPROVEMENT**

**G401.1 through G401.2: Not Adopted.**

**G401.3 Sewer facilities.** All new or replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems

shall be designed in accordance with Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.

**G401.4 Water facilities.** All new replacement water facilities shall be designed in accordance with the provisions of Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

**G401.5 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

## **SECTION G501**

### **MANUFACTURED HOMES**

**G501.1 Elevation.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation.

**G501.2 Foundations.** All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section 1612 of the OSSC.

**G501.3 Anchoring.** All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

## **SECTION G601**

### **RECREATIONAL VEHICLES**

**G601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in flood hazard areas subject to high velocity wave action and in floodways.

**G601.2 Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

**G601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section G501 for manufactured homes.

## **SECTION G701**

### **TANKS**

**G701.1 Underground Tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydraulic loads, including the effects of buoyancy, during conditions of the design flood.

**Above-ground tanks.** Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation or shall be anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**Tank inlets and vents.** In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood.

2. Anchored to prevent lateral movement resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### **SECTION G701**

#### **REFERENCED STANDARDS**

ASCE 24-98 Flood Resistance Design G103.1, and Construction 401.3, G401.4

HUD 24 CFR Manufactured Homes G201

Part 3280 -94 Construction and Safety Standards, 1994

IBC-2003 International Building Code G102.2